



# भारत का राजपत्र The Gazette of India

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नई दिल्ली, शनिवार, सितम्बर 2, 1989/ भाद्र 11, 1911

No. 35]

NEW DELHI, SATURDAY, SEPTEMBER 2, 1989/ BHADRA 11, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than  
the Ministry of Defence)

विधि एवं न्याय मंत्रालय

(विधि कार्य विभाग)

सूचनाएं

नई दिल्ली, 31 जुलाई, 1989

application has been made to the said Authority, under rule  
4 of the said Rules, by Shri A. V. Naik, Advocate for ap-  
pointment as a Notary to practise in Ankola Dist. Uttar  
Kannada, Karnataka.

2. Any objection to the appointment of the said person  
as a Notary may be submitted in writing to the undersigned  
within fourteen days of the publication of this Notice.

K. D. SINGH, Competent Authority

[No. F. 5(42)/89-Judl.]

नई दिल्ली, 10 अगस्त, 1989

का.प्र. 1988:—नोटरीज नियम, 1956 के नियम 8 के अनु-  
सार नई दिल्ली नोटरी द्वारा यह सूचना दी जाती है कि श्री अन्न  
होशीर नयक एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम  
के नियम 4 के तहत एक आवेदन इस बात के लिए दिया है कि उसे  
अकोला जिजा उत्तर कनाडा में व्यवसाय करने के लिए नोटरी के रूप में  
नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार  
का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप  
में मेरे पास भेजा जाए।

[सं. फा. 5 (42)/89/न्या.]

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

NOTICES

New Delhi, the 31st July, 1989

S.O. 1998.—Notice is hereby given by the Competent  
Authority in pursuance of rule 6 of the Notaries, 1956, that

2300 GI/89-1

का.प्र. 1989:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण  
में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री राम शंकर  
निबारी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के  
अधीन एक आवेदन इस बात के लिए दिया है कि उसे दिल्ली/नई दिल्ली  
जिला व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी  
प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित  
रूप में मेरे पास भेजा जाए।

[सं. फा 5/(41)/89/न्या.]

के. डी. सिंह, सक्षम प्राधिकारी

New Delhi, the 10th August, 1989

S.O. 1999.—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries, 1956, that application has been made to the said Authority, under rule 4 of the said Rules, by Shri Rama Shankar Tewari, Advocate for appointment as a Notary to practise in Delhi New Delhi

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 5(4)]89-JudI.]

K. D. SINGH, Competent Authority

गृह मंत्रालय

नई दिल्ली, 31 जुलाई, 1989

क्र.प्र. 2000:—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, निर्माण और अपील) नियम, 1965 के नियम 9 के उपनियम (2), नियम 12 के उपनियम (2) के खंड (ख) और नियम 24 के उपनियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के

गृह मंत्रालय की अधिसूचना सं. 14/एस.ओ. (सी)/85 (1), तारीख 5 मार्च, 1986 (जिसे भारत सरकार के गृह मंत्रालय की अधिसूचना क्र. नि.प्र. संख्या 1137, तारीख 16 मार्च, 1972 को अधिकांश करने के लिए जारी किया गया था। को अधिकांश करते हुए, निदेश देने हैं, कि :—

(1) इस आदेश की अनुसूची के भाग 1 के स्तंभ 1 में विनिर्दिष्ट साधारण केन्द्रीय सेवा समूह "ख" पदों की बाबत स्तंभ 2 में विनिर्दिष्ट प्राधिकारी नियुक्ति प्राधिकारी होगा और स्तंभ 3 में विनिर्दिष्ट प्राधिकारी स्तंभ 4 में विनिर्दिष्ट शक्तियों के संबंध में अनुशासन प्राधिकारी होगा।

(2) उक्त अनुसूची के भाग 2 और 3 के स्तंभ 1 में विनिर्दिष्ट साधारण केन्द्रीय सेवा समूह "ग" और साधारण केन्द्रीय सेवा समूह "घ" पदों की बाबत स्तंभ 2 में विनिर्दिष्ट प्राधिकारी नियुक्ति प्राधिकारी होगा और स्तंभ 3 और 5 में विनिर्दिष्ट प्राधिकारी स्तंभ 4 में विनिर्दिष्ट शक्तियों के संबंध में क्रमशः अनुशासन प्राधिकारी और अपील प्राधिकारी होगा।

## अनुसूची

## भाग 1

## साधारण केन्द्रीय सेवा समूह "ख"

पद का वर्णन	नियुक्ति प्राधिकारी	शास्तियां अधिरोपित करने के लिए सज्ज प्राधिकारी और वे शास्तियां जिन्हें अधिरोपित कर सकेंगे (नियम 2 की मद संख्या के प्रतिनिधित्व से)	प्राधिकारी	शास्तियां
1	2	3	4	
गृह मंत्रालय				
आसूचना ब्यूरो				
1. आसूचना ब्यूरो की अनुभाग अधिकारी श्रेणी	राष्ट्रपति	राष्ट्रपति, निदेशक, आसूचना ब्यूरो		सभी (1) से (4)
2. सभी समूह "ख" पद (जो आसूचना ब्यूरो में अनुभाग अधिकारियों की श्रेणी से भिन्न हैं) :				
(1) समतुल्य आसूचना ब्यूरो के कार्यालयों में और सहायक निदेशक-संयुक्त सहायक निदेशक-आसूचना सहायक निदेशक-संयुक्त सहायक निदेशक-केन्द्रीय आसूचना अधिकारियों के कार्यालयों में।	निदेशक आसूचना आसूचना ब्यूरो	निदेशक, आसूचना ब्यूरो संयुक्त निदेशक, जोन के भागसाधक		सभी (1) से (4)
(2) आसूचना ब्यूरो के मुख्यालय में और आसूचना ब्यूरो के अधीन सभी कार्यालयों में सिवाय उनके जो ऊपर (1) में उल्लिखित हैं।	निदेशक, आसूचना ब्यूरो	निदेशक, आसूचना ब्यूरो के मुख्यालय में संयुक्त/अपर निदेशक (स्थापना)		सभी (1) से (4)

## भाग 2

## साधारण केन्द्रीय सेवा समूह "ग"

पद का वर्णन	नियुक्ति प्राधिकारी	शास्तिर्वा अधिरोपित करने के लिए सक्षम प्राधिकारी और वे शास्तिर्वा जिन्हें वे अधिरोपित कर सकेंगे (नियम 2 की मद संख्या के प्रतिनिधित्व से)	अपील प्राधिकारी
1	2	3	4
गृह मंत्रालय आसूचना ब्यूरो			
1. सभी समूह "ग" पद			
(1) जो आसूचना ब्यूरो के मुख्यालय में हैं।	सहायक निदेशक/ संयुक्त सहायक निदेशक (स्थापना)	सहायक निदेशक/ संयुक्त सहायक निदेशक (स्थापना)	सभी उपनिदेशक (स्थापना)
(2) समनुषंगी आसूचना ब्यूरो, शिलांग से भिन्न समनुषंगी आसूचना ब्यूरो के मुख्यालय में।	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक (स्थापना)	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक (स्थापना)	सभी उपनिदेशक समनुषंगी आसूचना ब्यूरो
(3) समनुषंगी आसूचना ब्यूरो, शिलांग के मुख्यालय में।	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी— संयुक्त सहायक निदेशक (स्थापना)	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक (स्थापना)	सभी संयुक्त निदेशक, समनुषंगी आसूचना ब्यूरो, शिलांग।
(4) समनुषंगी आसूचना ब्यूरो, शिलांग में सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी के कार्यालयों से भिन्न समनुषंगी आसूचना ब्यूरो के नियंत्रणाधीन सहायक निदेशक— केन्द्रीय आसूचना अधिकारी/ संयुक्त निदेशक के कार्यालयों में।	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक	सभी उप निदेशक, समनुषंगी आसूचना ब्यूरो
(5) समनुषंगी आसूचना ब्यूरो, शिलांग के नियंत्रणाधीन सहायक निदेशक/केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक के कार्यालयों में।	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक	सभी संयुक्त निदेशक, समनुषंगी आसूचना ब्यूरो, शिलांग।
(6) मुख्य अप्रवास अधिकारी, मद्रास के कार्यालयों में।	मुख्य अप्रवास अधिकारी, मद्रास	मुख्य अप्रवास अधिकारी, मद्रास	सभी उप-निदेशक, समनुषंगी आसूचना ब्यूरो, मद्रास

## भाग 3

## साधारण केन्द्रीय सेवा समूह "ब"

1	2	3	4	5
गृह मंत्रालय आसूचना ब्यूरो				
1. सभी समूह "ब" पद				
(1) आसूचना ब्यूरो के मुख्यालय में	सहायक निदेशक/ संयुक्त सहायक निदेशक (प्रशासन)	सहायक निदेशक/ संयुक्त सहायक निदेशक (प्रशासन)	सभी	उपनिदेशक (स्थापना)
(2) समनुषंगी आसूचना ब्यूरो, शिलांग से भिन्न समनुषंगी आसूचना ब्यूरो के मुख्यालय में।	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक (स्थापना)	सहायक निदेशक/ केन्द्रीय आसूचना अधिकारी/ संयुक्त सहायक निदेशक (स्थापना)	सभी	उपनिदेशक, समनुषंगी आसूचना ब्यूरो

1	2	3	4	5
(3) समनुषंगी प्रामुखता ब्यूरो, शिलांग के मुख्यालय में।	सहायक निदेशक/ केन्द्रीय प्रामुखता अधिकारी/ संयुक्त सहायक निदेशक	सहायक निदेशक/ केन्द्रीय प्रामुखता अधिकारी/ संयुक्त सहायक निदेशक	सभी	संयुक्त निदेशक, समनु- षंगी प्रामुखता ब्यूरो, शिलांग।
(4) समनुषंगी प्रामुखता ब्यूरो, शिलांग के नियंत्रणाधीन सहायक निदेशक/केन्द्रीय प्रामुखता अधिकारी/संयुक्त सहायक निदेशक के कार्यालयों से भिन्न समनुषंगी प्रामुखता ब्यूरो के नियंत्रणाधीन सहायक निदेशक/केन्द्रीय प्रामुखता अधिकारी/संयुक्त सहायक निदेशक के कार्यालय में।	सहायक निदेशक/ केन्द्रीय प्रामुखता अधिकारी/ संयुक्त सहायक निदेशक	सहायक निदेशक/ केन्द्रीय प्रामुखता अधिकारी/ संयुक्त सहायक निदेशक	सभी	उप निदेशक, समनु- षंगी प्रामुखता ब्यूरो,
(5) समनुषंगी प्रामुखता ब्यूरो, शिलांग के नियंत्रणाधीन सहायक निदेशक/केन्द्रीय प्रामुखता अधिकारी/संयुक्त सहायक निदेशक के कार्यालयों में।	सहायक निदेशक/ केन्द्रीय प्रामुखता अधिकारी/ संयुक्त सहायक निदेशक	सहायक निदेशक/ केन्द्रीय प्रामुखता अधिकारी/ संयुक्त सहायक निदेशक	सभी	संयुक्त निदेशक, समनु- षंगी प्रामुखता ब्यूरो, शिलांग।
(6) मुख्य आवास अधिकारी, मद्रास के कार्यालय में।	मुख्य आवास अधिकारी, मद्रास	मुख्य आवास अधिकारी, मद्रास	सभी	उपनिदेशक, समनुषंगी प्रामुखता ब्यूरो, मद्रास।

(संख्या 14/का.प्र. (सां)/85 (1) पसं-1]

एस. डी. प्रदीप, सचिव

## MINISTRY OF HOME AFFAIRS

New Delhi, the 31st July, 1989

S.O. 2000.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of rule 12 and sub-rule (1) of rule 24 of the Central Civil Services (Classification Control and Appeal) Rules, 1965 and in supersession of the notification of the Government of India in the Ministry of Home Affairs No. 14/SO(C)/85(1) dated 5th May, 1986 (which was issued in supersession of the notification of the Government of India in the Ministry of Home Affairs S.R.O. No. 1137 dated the 16th March, 1972), the President hereby directs that :—

(i) In respect of the posts in the General Central Service, Group 'B' specified in column 1, Part I of

the Schedule to this order, the authority specified in column 2 shall be the Appointing Authority and the authority specified in column 3 shall be the Disciplinary Authority in regard to the penalties specified in column 4.

(ii) In respect of the posts in the General Central Service (Group 'D') specified in column 1 of Part II and III of the said Schedule the authority specified in column 2 shall be the appointing authority and the authority specified in column 3 and 5 shall be the Disciplinary Authority and Appellate Authority respectively in regard to penalties specified in column 4.

## SCHEDULE

## PART -I

## GENERAL CENTRAL SERVICE GROUP 'B'

Description of post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in rule 11)	
		Authorities	Penalties
1	2	3	4
Ministry of Home Affairs Intelligence Bureau			
1. Section Officer Grade, Intelligence Bureau	President	President Director Intelligence Bureau	All (i) to (iv)
All Group 'B' posts (other than Section officers grade in the Intelligence Bureau)	Director, Intelligence Bureau	Director Intelligence Bureau	All

1	2	3	4	5
(i) In the Offices of Subsidiary intelligence Bureau and in the offices of Assistant Director/Joint Assistant Director/Central Intelligence officers.		Joint Director, in charge of zone	(i) to (iv)	
(ii) At the Hqrs. of the Intelligence Bureau and in all offices under the Intelligence Bureau except those mentioned at (i) above.	Director Intelligence Bureau	Director Intelligence Bureau	All	
		Joint/Additional Director (Establishment) at the Headquarters of Intelligence Bureau.	(i) to (iv)	

## PART—II

## GENERAL CENTRAL SERVICE GROUP 'C'

Description of the post	Appointing Authority	Authority competent to impose penalties and penalties which it may impose (with reference to items numbers in rule 11)		Appellate Authority
		Authority	Penalties	
1	2	3	4	5
Ministry of Home Affairs				
Intelligence Bureau				
1. All Group 'C' posts (i) at the Headquarters of Intelligence Bureau	Assistant Director/Joint Assistant Director (Establishment)	Assistant Director/Joint Assistant Director (Establishment)	All	Deputy Director (Establishment)
(ii) at the Headquarters of Subsidiary Intelligence Bureau other than Subsidiary Intelligence Bureau, Shillong	Assistant Director/Central Intelligence Officer/- Joint Assistant Director (Establishment)	Assistant Director/Central Intelligence Officer/- Joint Assistant Director. (Establishment)	All	Deputy Director Subsidiary Intelligence Bureau
(iii) At the Headquarters of Subsidiary Intelligence Bureau Shillong.	Assistant Director/Central Intelligence Officer/Joint Assistant Director (Establishment)	Assistant Director/Central Intelligence Officer/Joint Assistant Director (Establishment)	All	Joint Director Subsidiary Intelligence Bureau, Shillong.
(iv) In the offices of the Assistant Director/Central Intelligence officer/Joint Assistant Director under the control of Subsidiary Intelligence Bureau other than the offices of Assistant Director/Central Intelligence Officer, Subsidiary Intelligence Bureau, Shillong.	Assistant Director/Central Intelligence Officer/Joint Assistant Director.	Assistant Director/Central Intelligence Officer/- Jt. Assistant Director.	All	Deputy Director Subsidiary Intelligence Bureau.

1	2	3	4	5
(v) In the offices of the Assistant Director/Central Intelligence officer/Joint Assistant Director under the control of subsidiary Intelligence Bureau, Shillong.	Assistant Director/Central Intelligence officer/Joint Assistant Director.	Assistant Director/Central Intelligence officer/Joint Assistant Director.	All	Joint Director Subsidiary Intelligence Bureau, Shillong.
(vi) In the Office of Chief Immigration officer, Madras.	Chief Immigration Officer, Madras.	Chief Immigration Officer, Madras.	All	Deputy Director Subsidiary Intelligence Bureau Madras.

## PART—III

## GENERAL CENTRAL SERVICE GROUP 'D'

Ministry of Home Affairs  
Intelligence Bureau

## 1. All group 'D' posts :—

(i) at Intelligence Bureau, Headquarters.	Assistant Director/Joint Assistant Director (Administration)	Assistant Director/Joint Assistant Director (Administration)	All	Deputy Director (Establishment)
1	2	3	4	5
(ii) at the Headquarters of subsidiary Intelligence Bureau other than Subsidiary Intelligence Bureau, Shillong.	Assistant Director/Central Intelligence officer/Joint Assistant Director (Establishment)	Assistant Director/Central Intelligence officer/Joint Assistant Director (Establishment)	All	Deputy Director subsidiary Intelligence Bureau
(iii) at the Headquarters of Subsidiary Intelligence Bureau Shillong.	Assistant Director/Central Intelligence officer/Joint Assistant Director.	Assistant Director/Central Intelligence officer/Joint Assistant Director.	All	Joint Director Subsidiary Intelligence Bureau, Shillong.
(iv) in the offices of the Assistant Director/Central Intelligence officer/Joint Assistant Director under the subsidiary Intelligence Bureau other than the offices of Assistant Director/Central Intelligence officer/Joint Assistant Director under the control of Subsidiary Intelligence Bureau Shillong.	Assistant Director/Central Intelligence officer/Joint Assistant Director	Assistant Director/Central Intelligence officer/Joint Assistant Director	All	Deputy Director Subsidiary Intelligence Bureau.
(v) in the offices of the Assistant Director/Central Intelligence officer/Joint Assistant Director under the control of Subsidiary Intelligence Bureau, Shillong.	Assistant Director/Central Intelligence officer/Joint Assistant Director	Assistant Director/Central Intelligence officer/Joint Assistant Director.	All	Joint Director Subsidiary Intelligence Bureau Shillong.
(vi) In the office of Chief Immigration officer, Madras.	Chief Immigration Officer, Madras.	Chief Immigration officer, Madras.	All	Deputy Director, Subsidiary Intelligence Bureau, Madras.

## कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(पेंशन एवं पेंशनभोगी कल्याण विभाग)

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 2 अगस्त, 1989

आदेश

नई दिल्ली, 4 अगस्त, 1989

का.भा. 2001:—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, महाराष्ट्र राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारों का विस्तार निम्न लिखित अपराधों के अन्वेषण के लिए संपूर्ण महाराष्ट्र राज्य पर करती है:—

(क) श्री नसीरु वडिया, अध्यक्ष, बम्बे डाईंग एण्ड मैनुफैक्चरिंग कम्पनी लिमिटेड, बम्बई की हत्या करने के लिए अपराधिक षड्यंत्र के संबंध में भारतीय दण्ड संहिता, 1860 (1860 का अधिनियम सं. 45) की धारा 120-बी, 115, 302 के अधीन अपराध शाखा ग्रेटर बम्बई पुलिस, बम्बई में पंजीकृत मामला सी.आर. 210/89 दिनांक 31-7-1989।

(ख) ऊपर वर्णित एक या अधिक अपराधों के संबंध में या उनसे संबंधित प्रयत्नों, बुद्धिरेखा और षड्यंत्रों के और उन्हीं स्थलों से उत्पन्न होने वाले एक संयन्त्रहार के अनुक्रम में किए गए किसी अन्य अपराध या अपराधों के संबंध में।

[संख्या 228/28/89-ए.पी.डी. (2)]

जी. सीतारामन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC  
GRIEVANCES AND PENSIONS

(Department of Personnel &amp; Training)

## ORDER

New Delhi, the 4th August, 1989

S.O. 2001.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6, of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Maharashtra, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Maharashtra for investigation of offences as hereunder:—

(a) Offences punishable under sections 120-B, 115, 302 Indian Penal Code, 1860 (Act No. 45 of 1860), in regard to C. R. 210/89 dated the 31st July, 1989 registered with Crime Branch, Greater Bombay Police Bombay, Maharashtra State about the criminal conspiracy to assassinate, Shri Nusli Wadia Chairman, Bombay, Dyeing & Manufacturing Company Limited.

(b) Attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

का. भा. 2002:—राष्ट्रपति, भारत के संविधान के अनुच्छेद 309 के परन्तुक और अनुच्छेद 148 के खण्ड (5) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारतीय लेखा परीक्षा और लेखा विभाग में नियोजित व्यक्तियों के संबंध में भारत के नियंत्रक और महालेखा परीक्षक से परामर्श के पश्चात् साधारण भविष्य निधि (केन्द्रीय सेवा) नियम 1960 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम साधारण भविष्य निधि (केन्द्रीय-सेवा) नियम, 1989 है।

(2) ये नियम 1 जनवरी, 1989 को प्रवृत्त हुए समझे जाएंगे।

2. साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 में,—

(1) नियम 33क में, प्रारम्भिक पैरा में “अभिदाता की मृत्यु पर” शब्दों के स्थान पर “30 मिनटम्बर, 1991 को या उससे पूर्व अभिदाता की मृत्यु पर और जिसका नियम 33 लागू नहीं होता है” शब्द रखे जाएंगे।

(2) नियम 33क के पश्चात् निम्नलिखित नियम अंतः स्थापित किया जाएगा, अर्थात्:—

33ख निम्न सहस्रवृद्ध बीमा पुनरीक्षित स्कीम—अभिदाता की मृत्यु पर अभिदाता के नाम में जमा रकम प्राप्त करने के हकदार व्यक्ति को लेखा अधिकारी ऐसे अभिदाता की मृत्यु से ठीक पूर्व तीन वर्ष के दौरान खाते में औसत अतिरिक्त के बराबर अतिरिक्त रकम इस शर्त के अधीन देगा कि—

(क) ऐसे अभिदाता के नाम में जमा अतिरिक्त उसकी मृत्यु के मास से पूर्व तीन वर्ष के दौरान किसी भी समय निम्नलिखित से कम न हो—

(i) ऐसे अभिदाता के मामले में जिसने तीन वर्ष की उपर्युक्त अवधि के अधिकांश भाग में ऐसा पद धारण किया है जिसका अधिकतम वेतनमान 4000 रु. या उससे अधिक है—12000 रु. ;

(ii) ऐसे अभिदाता के मामले में जिसने तीन वर्ष की उपर्युक्त अवधि के अधिकांश भाग में ऐसा पद धारण किया है जिसका अधिकतम वेतनमान 2000 रुपए या उससे अधिक है किन्तु 4000 रुपए से कम है,—7500 रुपए,

(iii) ऐसे अभिदाता के मामले में जिसने तीन वर्ष की उपर्युक्त अवधि के अधिकांश भाग में ऐसा पद धारण किया है जिसका अधिकतम वेतनमान 1151 रुपए या उससे अधिक है किन्तु 2900 रुपए से कम है,—4500 रुपए;

(iv) ऐसे अभिदाता के मामले में जिसने तीन वर्ष की उपर्युक्त अवधि के अधिकांश भाग में ऐसा पद धारण किया है जिसका वेतनमान 1151 रुपए से कम है—3000 रुपए।

(ख) इन नियम के अधीन संचय अतिरिक्त रकम सीस हजार रुप से अधिक नहीं होगी।

(ग) अभिदाता ने अपनी मृत्यु के समय कम से कम पांच वर्ष की सेवा कर ली हो।

टिप्पण—1. औसत अतिरिक्त को गणना उस मास में, जिसमें मृत्यु हुई है, पूर्व 36 मास में से प्रत्येक मास के अंत में अभिदाता के नाम जमा

[No. 228/28/89-AVD.II]

G. SITARAMAN, Under Secy.

अतिशेष के आधार पर की जाएगी। इस प्रयोजन के लिए और ऊपर  
बिहित श्रुततम अतिशेष को जीव करने के लिए भी—

(क) मास के अंत के अतिशेष में नियम 11 के निबंधनों के अनुसार  
जमा किया गया वार्षिक व्यय भी सम्मिलित होगा ;

(ख) यदि उपर्युक्त 36 मासों में से अंतिम मास मास नहीं है तो,  
उक्त अंतिम मास के अंत के अतिशेष में उस विन्तीय वर्ष के  
प्रारंभ से, जिसमें मृत्यु हुई है, उक्त अंतिम मास के अंत तक  
की अवधि को वास्तव व्यय भी सम्मिलित होगा।

टिप्पण—2. इस स्कीम के अधीन भुगतान पूर्ण वर्षों में होना  
चाहिए। यदि किसी वेतन स्तर में रुपए का कोई भाग सम्मिलित है तो  
उसे निकटतम रुपए में पूर्णकृत कर दिया जाता चाहिए। (पवासपेंस  
की गणना एक और रुपए के रूप में की जाएगी)।

टिप्पण—3. इस स्कीम के अधीन सदेय धनराशि बीमा धन के किस्म  
की है, और, इसलिए, भविष्य निधि अधिनियम, 1925 (1925 का  
अधिनियम 19) की धारा 3 द्वारा दिया गया कानूनी संरक्षण इस स्कीम  
के अधीन सदेय धनराशि पर लागू नहीं होता है।

टिप्पण—4. यह स्कीम निधि के उन अभिमानों पर भी लागू होती  
है जिन्हें किसी सरकारी विभाग की स्वशासी संगठन में संप्रवर्तित कर दिए  
जाने के परिणामस्वरूप ऐसे निधाय की स्थानांतरित कर दिया गया है और  
जिन्होंने ऐसा स्थानांतरण होने पर अपने को दिए गए विकल्प के निबंधनों  
के अनुसार इन नियमों के अनुसार इस निधि में अभिमान करने का विकल्प  
दिया है।

टिप्पण—5. (क) ऐसे सरकारी सेवक के मामले में जिसे नियम 35  
या नियम 35क के अधीन निधि के फायदों में प्रविष्ट किया  
गया है किंतु जिसको मृत्यु, यथास्थिति निधि में उसके प्रविष्ट  
होने की तारीख से तीन वर्ष की सेवा या पांच वर्ष की सेवा  
पूरी होने से पूर्व हो जाती है, पूर्ववर्ती नियोजक के अधीन  
उसकी सेवा की वह अवधि, जिसकी बाबत उसके अभिमानों  
की रकम और नियोजक का अभिमान, यदि कोई हो, व्यय  
सहित प्राप्त हो गया है, खण्ड (क) और खण्ड (ग) के  
प्रयोजनों के लिए गणना में ली जाएगी।

(ख) आवधिक आधार पर नियुक्त किए गए व्यक्तियों के मामले में  
और पुनर्नियोजित पेंशनभोगी व्यक्तियों के मामले में, यथास्थिति  
ऐसी नियुक्ति या ऐसे पुनर्नियोजन की तारीख से की गई सेवा  
ही इस नियम के प्रयोजनों के लिए गणना में ली जाएगी।

(ग) यह स्कीम संविदा के आधार पर नियुक्त व्यक्तियों को लागू  
नहीं होती है।

टिप्पण—6. इस स्कीम की बाबत व्यय के बजट प्राक्कलन निधि  
लेखा को बनाए रखने के लिए उत्तरदायी लेखा अधिकारी द्वारा व्यय  
को रख को ध्यान में रखते हुए उसी रीति से तैयार किए जाएंगे  
जस प्रकार अन्य सेवानिवृत्ति फायदों के लिए प्राक्कलन तैयार किए जाते  
हैं।

स्पष्टीकारक टिप्पण—निर्देश संख्या बीमा पुनरीक्षित स्कीम  
1-1-1989 के मूलखी रूप में पुनः स्थापित की जा रहा है और इसे  
नियम 33-ख के रूप में अंतः स्थापित किया जा रहा है। किसी भी  
अधिकारी पर साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960 के  
मूलखी संगोपन में प्रतिकूल प्रभाव पड़ने का सम्भावना नहीं है।

टिप्पण—साधारण भविष्य निधि (केन्द्रीय सेवा) नियम, 1960  
का. धा. सं. 3000 तारीख 1-12-1960 के रूप में प्रकाशित किया  
गया, यह। (28-2-1988 तक संगोपित) नियमों का नाम पुनः मद्रण

विभागी रूप में तब से प्रकाशित किया, ज. बुक. है। 28-2-1988  
पर्यन्त नियमों में कोई और संशोधन नहीं किया गया है।

[सं. 13(2)-गो. एड पो. डब्ल्यू 88-ई]

प्रार्थीय कुमार, उप सचिव

(Department of Pension & P. W.)

New Delhi, the 2nd August, 1989

S.O. 2002.—In exercise of the powers conferred by the  
proviso to article 309 and clause (5) of article 148 of the  
Constitution of India, the President after consultation with  
Comptroller and Auditor General of India in relation to  
persons serving in the Indian Audit and Accounts Department,  
hereby makes the following rules further to amend  
the General Provident Fund (Central Services) Rules, 1960,  
namely :—

(1) These rules may be called the General Provident  
Fund Amendment Rules, 1989.

(2) They shall be deemed to have come into force  
from the 1st January, 1989.

2. In the General Provident Fund (Central Services)  
Rules, 1960,—

(1) in rule 33-A, in the opening paragraph, after the  
words "on the death of a subscriber" and before  
the words "the person entitled to receive the  
amount", the words "on or before 30th September,  
1991 and to whom rule 33 B does not apply"  
shall be inserted.

(2) after rule 33-A, the following rule shall be inserted,  
namely,—

"33-B. Deposit-linked Insurance Revised Scheme on  
the death of a subscriber, the person entitled to  
receive the amount standing to the credit of the  
subscriber shall be paid by the Accounts Officer  
an additional amount equal to the average balance  
in the account during the 3 years immediately  
preceding the death of such subscriber, subject  
to the condition that :—

(a) the balance at the credit of such subscriber shall  
not at any time during the 3 years preceding the  
month of death have fallen below the limits of—

(i) Rs. 12000 in the case of a subscriber who has  
held, for the greater part of the aforesaid period  
of three years, a post the maximum of the pay  
scale of which is Rs. 4000 or more;

(ii) Rs. 7500 in the case of a subscriber who has  
held for the greater part of the aforesaid period  
of three years, a post the maximum of the pay  
scale of which is Rs. 2900 or more but less than  
Rs. 4000;

(iii) Rs. 4500 in the case of a subscriber who has  
held for the greater part of the aforesaid period  
of three years, a post the maximum of the pay  
scale of which is Rs. 1151 or more but less than  
Rs. 2900;

(iv) Rs. 3000 in the case of a subscriber who has  
held for the greater part of the aforesaid period  
of three years, a post the maximum of the pay  
scale of which is less than Rs. 1151;

(b) the additional amount payable under this rule shall  
not exceed Rs. 30,000;

(c) the subscriber has put in atleast 5 years service  
at the time of his/her death.

Note.—1. The average balance shall be worked out on  
the basis of the balance at the credit of the subscriber at  
the end of each of the 36 months preceding the month in



which the death occurs. For this purpose, as also for checking the maximum balance prescribed above—

- the balance at the end of March shall include the annual interest credited in terms of rule 11; and,
- if the last of the aforesaid 36 months is not March, the balance at the end of the said last month shall include interest in respect of the period from the beginning of the financial year in which death occurs to the end of the said last month.

Note.—2 Payments under this scheme should be in whole rupees. If an amount due includes a fraction of a rupee, it should be rounded to the nearest rupee, (50 paise counting as the next higher rupee).

Note.—3 Any sum payable under this scheme is in the nature of insurance money and, therefore, the statutory protection given by Section 3 of the Provident Funds Act, 1925 (Act 19 of 1925) does not apply to sums payable under this scheme.

Note.—4 The scheme also applies to those subscribers to the Funds who are transferred to an autonomous organisation consequent upon conversion of a Government Department into such a body and who, on such transfer, opt in terms of option given to them to subscribe to this Fund in accordance with these rules.

Note.—5(a)—In case of a Government servant who has been admitted to the benefits of the Fund under rule 35 or 35-A but died before completion of three years of service or, as the case may be, five years of service from the date of his admission to the Fund, that period of his service under the previous employer in respect where of the amount of his subscriptions and the employer's contribution, if any, together with interest have been received, shall count for purposes of clause (a) and clause (c).

- In case of persons appointed on tenure basis and in the case of re-employed pensioners, service rendered from the date of such appointment or re-employment as the case may be, only will count for purposes of this rule.

- The scheme does not apply to persons appointed on contract basis.

Note.—6 The budget estimates of expenditure in respect of this scheme will be prepared by the Accounts Officer responsible for maintenance of the accounts of the Fund having regard to the trend of expenditure, in the same manner as estimates are prepared for other retirement benefits.

#### EXPLANATORY NOTE

The Deposit.—Linked Insurance Revised Scheme is being introduced retrospectively from 1-1-1989 and is being inserted as Rule 33-B. No officer is likely to be adversely affected by the retrospective amendment to the General Provident Fund (Central Services) Rules, 1960.

Note.—General Provident Fund (Central Services) Rules, 1960, were published as S.O. No. 3000 dated 1-12-1960. The fourth re-print of the Rules (corrected upto 28-2-1988) has since been published in digest form. No further amendments to the Rules have been issued after 28-2-1988.

[No. 13(2)-P&PW/88-E]

ASHISH KUMAR, Dy. Secy.

वित्त संश्लेष

(राजस्व विभाग)

नई दिल्ली, 21 दिसम्बर, 1988

(आयकर)

का. आ. 2003.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का 2300 GI/89—2.

प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखंड के प्रयोजनार्थ, "कलकत्ता जूरोस्त्रियन स्त्री मंडल" को कर-निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 8146/का. सं. 197/91/87-आ. क. (नि-1)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 21st December, 1988

(INCOME-TAX)

S.O. 2003.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Calcutta Zoroastrian Stree Mandal" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 8146/F. No. 197/91/87-IT(A)]

(आयकर)

का. आ. 2004.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखंड के प्रयोजनार्थ "एसोसिएशन आफ मेडिकल फिजिऑसिस्ट्स आफ इंडिया" को कर निर्धारण वर्ष 1985-86 से 1988-89 तक के लिए अधिसूचित करती है।

[सं. 8147/का सं 197/177/88 आ क (नि (1))]

(INCOME-TAX)

S.O. 2004.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Association of Medical Physicists of India" for the purpose of the said sub-clause for the assessment years 1985-86 to 1988-89.

[No. 8147/F. No. 197/177/88-IT(A1)]

(आयकर)

का. आ. 2005.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखंड के प्रयोजनार्थ, "दि इण्डो-अरब सोसायटी, बम्बई" को कर-निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 8148/का. सं. 197/81/87-आ. क. (नि-1)]

(INCOME-TAX)

S.O. 2005.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income Tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Indo-Arab Society, Bombay" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 8148/F. No. 197/81/87-IT(A1)]

नई दिल्ली, 17 जनवरी, 1989

आय-कर

का. आ. 2006.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उपखंड के प्रयोजनार्थ, "मो-आइल क्रेडिज चार वॉकिंग मदर्न विल्लेज, नई दिल्ली" को कर-निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 8164/का. सं. 197/79/88-आ. क. (नि-1)]

New Delhi, the 17th January, 1989

## (INCOME-TAX)

S.O. 2006.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Mobile Creches for Working Mothers Children, New Delhi" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 8164/F. No. 197/79/88-IT(A1)]

नई दिल्ली, 24 जनवरी, 1989

## (आयकर)

का.आ. 2007.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "अखिल भारतीय गंधर्व महा-विद्यालय मण्डल, बम्बई" को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1984-85 से 1986-87 तक के लिए अधिसूचित करती है।

[सं. 8165/का.सं. 197/183/88-आ.कर.नि.1)]

New Delhi, the 24th January, 1989

## (INCOME-TAX)

S.O. 2007.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Akhil Bharatiya Gandharva Mahavidyalaya Mandal, Bombay" for the purpose of the said sub-clause for the assessment years 1984-85 to 1986-87.

[No. 8165/F. No. 197/183/88-IT(A-1)]

नई दिल्ली, 25 जनवरी, 1989

## (आयकर)

का.आ. 2008.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि जे.आर.डी. टाटा ट्रस्ट, बम्बई" को उक्त उपखण्ड के प्रयोजनार्थ निर्धारण वर्ष 1988-89 के लिए अधिसूचित करती है।

[सं. 8166/का.सं. 197/152/88-आ.कर.नि.-1)]

New Delhi, the 25th January, 1989

## (INCOME-TAX)

S.O. 2008.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The J.R.D. Tata Trust, Bombay" for the purpose of the said sub-clause for the assessment year 1988-89.

[No. 8166/F. No. 197/152/88-ITA-1]

नई दिल्ली, 17 जनवरी, 1989

## (आयकर)

का.आ. 2009.—आयकर अधिनियम, 1961 (1961 का 43), की धारा 10 के खण्ड (23-ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "भारत भवन न्यास, भोपाल" को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1986-87 से 1988-89 तक के लिए अधिसूचित करती है।

[सं. 8173/का.सं. 197/100/86-आयकर (नि-1)]

New Delhi, the 17th January, 1989

## (INCOME-TAX)

S.O. 2009.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bharat Bhavan Nyas, Bhopal" for the purpose of the said sub-clause for the assessment years 1986-87 to 1988-89.

[No. 8173/F. No. 197/100/86-IT(A1)]

नई दिल्ली, 16 मार्च, 1989

## (आयकर)

का.आ. 2010.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "वि मुस्लिम एजुकेशन सोसायटी, कालीकट" के उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1985-86 और 1987-88 के लिए अधिसूचित करती है।

[सं. 8244/का.सं. 197/168/82-आयकर(नि 1)]

New Delhi, the 16th March, 1989

## (INCOME-TAX)

S.O. 2010.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Muslim Education Society, Calicut" for the purpose of the said sub-clause for the assessment year 1988-1985-86 to 1987-88.

[No. 8244/F. No. 197A/168/82-IT(A1)]

नई दिल्ली, 31 मार्च, 1989

## (आयकर)

का.आ. 2011.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री सत्य साई केन्द्रीय ट्रस्ट" बृन्दावन, बंगलोर को कर-निर्धारण वर्ष 1989-90 के लिए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है।

[सं. 8309/का.सं. 197/44/89-आ.कर (नि.-1)]

New Delhi, the 31st March, 1989

## (INCOME-TAX)

S.O. 2011.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Sri Sathya Sai Central Trust, Brindavan, Bangalore" for the purpose of the said sub-clause for the assessment year 1989-80.

[No. 8309/F. No. 197/44/89-IT(A-1)]

नई दिल्ली, 4 अप्रैल, 1989

## (आयकर)

का.आ. 2012.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "विपणन एवं प्रबन्ध संस्थान" को आयकर निर्धारण वर्ष 1988-89 और 1989-90 के लिए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है।

[सं. 8314/का.सं. 197/49/89-आ.कर (नि-1)]

New Delhi, the 4th April, 1989

## (INCOME-TAX)

S.O. 2012.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Institute of Marketing and Management", New Delhi for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8314/F. No. 197/49/89-IT(A-1)]

नई दिल्ली, 6 अप्रैल, 1989

(आयकर)

का.आ. 2013.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "होमी भाभा फेलोशिप्स काउंसिल बम्बई" को कर-निर्धारण वर्ष 1989-90 के लिए उपखण्ड के प्रयोजनार्थ अधिसूचित करती है।

[सं 8325/फा.सं. 197/43/89-आयकर (नि-1)]

New Delhi, the 6th April, 1989

## (INCOME-TAX)

S.O. 2013.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Homi Bhabha Fellowships Council, Bombay for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8325/F. No. 197/43/89-IT(A-1)]

नई दिल्ली, 11 अप्रैल, 1989

(आयकर)

का.आ. 2014.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "बी पीपल्स एक्शन फॉर डेवेलपमेंट" महाराष्ट्र को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8327/फा सं. 197/162/88-आ.कर(नि. 1)]

New Delhi, the 11th April, 1989

## (INCOME-TAX)

S.O. 2014.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "People's Action for Development" Maharashtra for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8327/F. No. 197/162/88-IT(A-1)]

(आयकर)

का.आ. 2015.—आयकर अधिनियम, 1961, (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "दा टाटा एग्रिकल्चरल एंड रूरल ट्रेनिंग सेंटर फॉर द ब्लाइंड, बम्बई" को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8328/फा.सं. 197/45/89-आ.कर(नि. -1)]

## (INCOME-TAX)

S.O. 2015.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Tata Agricultural and Rural Training Centre for the Blind, Bombay" for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8328/F. No. 197/45/89-IT(AD)]

(आयकर)

का.आ. 2016.—आयकर अधिनियम 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा "बेसिक केमिकल्स, फार्मास्यूटिकल्स एण्ड कॉस्मेटिक्स एक्सपोर्ट प्रमोशन काउंसिल" को कर-निर्धारण वर्ष 1986-87 से 1989-90 तक के लिए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है।

[सं 8319/फा 0 सं 0 197/70/83-आयकर(नि 0-1)]

## (INCOME-TAX)

S.O. 2016.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Basic Chemicals, Pharmaceuticals & Cosmetics Export Promotion Council", for the purpose of the said sub-clause for the assessment years 1986-87 to 1989-90.

[No. 8329/F. No. 197/80/88-IT(A-1)]

(आयकर)

का.आ. 2017.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "बेसिक केमिकल्स एण्ड कॉस्मेटिक्स एक्सपोर्ट प्रमोशन काउंसिल" को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8330/फा सं. 197/41/89-आ.कर(नि. 1)]

## (INCOME-TAX)

S.O. 2017.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Family Planning Foundation", New Delhi for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8330/F. No. 197/41/89-IT(AD)]

नई दिल्ली, 12 अप्रैल, 1989

(आयकर)

का.आ. 2018.—आयकर अधिनियम, 1961 की धारा 10 के खण्ड (23ग) के उपखण्ड (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा "रॉयल कॉमनवेल्थ सोसायटी फॉर द ब्लाइंड, बम्बई" को कर-निर्धारण वर्ष 1989-90 के लिए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है।

[सं. 8333/फा. सं. 197/31/89-आ.कर. )]

New Delhi, the 12th April, 1989

## (INCOME-TAX)

S.O. 2018.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Royal Common Wealth Society for the Blind", Bombay for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8333/F. No. 197/31/89-IT]

(आयकर)

का.प्र. 2019.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "इण्डियन पीपल्स नेचुरल कैलामिटीज ट्रस्ट" का उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1986-87 से 1989-90 तक के लिए अधिसूचित करती है।

[सं. 8334/फा.सं. 197/90/89-आ.कर. (नि.-1)]

(INCOME-TAX)

S.O. 2019.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indian People's Natural Calamities Trust" for the purpose of the said sub-clause for the assessment year(s) 1986-87 to 1989-90.

[No. 8334/F. No. 197/90/89-IT(A1)]

नई दिल्ली, 24 अप्रैल, 1989

(आयकर)

का.प्र. 2020—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23 ग) के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बिबेकानन्द राँक मेमोरियल तथा बिबेकानन्द केन्द्र मद्रास" को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8341/फा.सं. 197/8/89-आ.कर.नि.-1]]

New Delhi, the 24th April, 1989

(INCOME-TAX)

S.O. 2020.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bangiya Sahitya Parishad, Calcutta" for the purpose of Madras for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8341/F. No. 197/8/89-IT(A1)]

(आयकर)

का.प्र. 2021.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "बांगिया साहित्य परिषद् कलकत्ता" को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1989-90 के लिए अधिसूचित करती है।

[सं. 8344/फा. सं. 197/92/89-आयकर.नि.-1]]

(INCOME-TAX)

S.O. 2021.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Bangiya Sahitya Parishad", Calcutta for the purpose of the said sub-clause for the assessment year 1989-90.

[No. 8344/F. No. 197/92/89-IT(A-1)]

(आयकर)

का.प्र. 2022—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23ग) के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "नेशनल एसोसिएशन फॉर

दा ब्लाइण्ड, बम्बई" को उक्त उपखण्ड के प्रयोजनार्थ कर-निर्धारण वर्ष 1988-89 तथा 1989-90 के लिए अधिसूचित करती है।

[[सं. 8345/फा.सं. 197/159/89-आ.कर. (नि.-1)]]

दर्लाप सिंह, विशेष कार्य अधिकारी

(INCOME-TAX)

S.O. 2022.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "National Association for the Blind, Bombay" for the purpose of the said sub-clause for the assessment years 1988-89 and 1989-90.

[No. 8345/F. No. 197/159/88-IT(A1)]

DALIP SINGH, Officer on Spl. Duty.

नई दिल्ली, 14 फरवरी, 1989

(आयकर)

का.प्र. 2023.—इस कार्यालय की दिनांक 26-6-1989 की अधिसूचना सं. 7370 (फा.सं. 203/12/89 आ.कर.नि.2) के अनुक्रम में, सर्वे संधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खण्ड (2) पैरोस/एक/दो के प्रयोजनों के लिए "एसोसिएशन" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (1) यह कि विज्ञान रिसर्च फाउंडेशन, मद्रास अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।
- (2) यह कि उक्त एसोसिएशन अपने वैज्ञानिक अनुसंधान संबंधी कार्यों/कार्यों की वार्षिक विवरणों, विहित प्राधिकारों को प्रत्येक वित्तीय वर्ष के मर्बध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधि-कृति किया जाए और उसे सूचित किया जाए।
- (3) यह कि उक्त एसोसिएशन अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परि-सम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महा-निदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।
- (4) यह कि उक्त एसोसिएशन, केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली, तथा आयकर महा-निदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अनिवार्य अग्रिम बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन/एसोसिएशन

विज्ञान रिसर्च फाउंडेशन, 18 कामेज रोड, मद्रास-600006

यह अधिसूचना दिनांक 1-4-1988 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8177/फा.सं. 203/96/88-आयकर.नि.-II]]

New Delhi, the 14th February, 1989

## (INCOME TAX)

S.O. 2023.—In continuation of this Office Notification No. 7370 (F. No. 203/12/87-ITA.II) dated 26-6-1987, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific & Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions :—

- (i) That Vision Research Foundation, Madras will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the Concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

Vision Research Foundation, 18 College Road, Madras-600006.

This Notification is effective for a period from 1-4-1988 to 31-3-1989.

[No. 8177 (F. No. 202/96/88-ITA.II)]

नई दिल्ली, 15 फरवरी, 1989

## (आयकर)

का.आ.2024.—इस कार्यालय को दिनांक 2-4-1988 का अधिसूचना सं. 7792 (फा.सं. 203/53/87-आ.कर.नि.-II) के अन्तर्गत में, सर्व साधारण को जानकारी के लिए पुनः द्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 को धारा 35 का उपधारा (1) के खण्ड (II) तत्त्व/एक/दो के प्रयोजनों के लिए विश्वविद्यालय प्रवर्ग के अर्थात् निम्नलिखित शर्तों पर अनुमोदित किया है:

(i) यह कि बिरला इस्टीमेट ऑफ टेक्नोलॉजी, मेसरा, रांची अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।

(ii) यह कि उक्त विश्वविद्यालय अपना वैज्ञानिक अनुसंधान सम्बन्धी कार्यकलापों का वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बन्ध में प्रति वर्ष 31 मई तक ऐसे प्रवर्तों में प्रस्तुत करेगा जो इस

प्रयोजन के लिए लिए शक्तिशाली किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त विश्वविद्यालय अपने कुल आय तथा व्यय दर्शाते हुए अपने वार्षिक वार्षिक लेखों को तथा अपने प्रत्येक वित्तीय वर्ष के अन्तर्गत हुए मुलान-पत्र का एक-एक प्रति प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक को एक-एक प्रति केंद्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा सम्बन्धित आयकर आयुक्तों के पास भेजेगा।

(4) यह कि उक्त विश्वविद्यालय केंद्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आय कर महानिदेशक (छूट), कलकत्ता को अनुमोदित को सहायि से पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदित करेगा। अनुमोदन का समाप्ति को तारीख के पश्चात प्राप्त होने वाले आवेदन पत्रों को खेद कर देना जाएगा।

## विश्वविद्यालय

बिरला इस्टीमेट ऑफ टेक्नोलॉजी, मेसरा, राचा।

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक का प्रभाव के लिए प्रभावी है।

[सं. 8187/फा.सं. 203/12/89-आयकर.नि.-II]

New Delhi, the 15th February, 1989

## (INCOME TAX)

S.O. 2024.—In continuation of this Office Notification No. 7792 (F. No. 203/53/87-ITA.II) dated 2-3-1988 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five /One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "University" subject to the following conditions :—

- (i) That Birla Institute of Technology, Mesra, Ranchi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said University will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said University will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said University will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

## UNIVERSITY

## INSTITUTION/ASSOCIATION

Birla Institute of Technology, Mesra, Ranchi

This Notification is effective for a period from 1-4-88 to 31-3-1989

[No. 8187 (F. No. 203/12/89-ITA.II)]

नई दिल्ली, 22 फरवरी, 1989

(आय र)

का.प्रा. 2025:—इस कार्यालय की दिनांक 14-9-1987 की अधिसूचना सं. 7524 (फा.सं. 203/7/87-आ.करनि.-II) के अनुक्रम में सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (i) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संगठन" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:

(i) यह कि डायबीटीज रिसर्च सेंटर फाउण्डेशन, मद्रास अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।

यह कि उक्त संगठन अपने वैज्ञानिक प्रयोजनों के लिए सम्बन्धी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बंध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त संगठन अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियों, वेनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन वस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट) कलकत्ता तथा सम्बंधित आयकर आयुक्त के पास भेजेगा।

(4) यह कि उक्त संगठन केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से तीन माह पूर्व अनिवार्य अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन/एसोसिएशन

डायबीटीज रिसर्च सेंटर फाउण्डेशन, 4 मेन रोड,  
रोयपुरम, मद्रास-600013.

यह अधिसूचना दिनांक 1-4-1988 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 8200 (फा.सं. 203/151/88-आ.करनि.-II)]

New Delhi, the 22nd February, 1989

(INCOME-TAX)

S.O. 2025.—In continuation this Office Notification No. 7524 (F. No. 203/7/87-ITA.II) dated 14-9-1987 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions:—

(i) That Diabetes Research Centre Foundation, Madras will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as

may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.

(iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

Diabetes Research Centre Foundation, 4 Main Road,  
Royapuram, Madras-600013

This Notification is effective for a period from 1-4-1988 to 31-3-1989.

[No. 3200 (F. No. 203/151/88-ITA.II)]

नई दिल्ली, 23 फरवरी, 1989

(आयकर)

का.प्रा. 2026:—इस कार्यालय की दिनांक 28-1-1986 की अधिसूचना सं. 6583 (फा. सं. 203/206/85-आ.करनि.-II) के अनुक्रम में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (i) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए के प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

(i) यह कि टाटा मेमोरियल सेंटर, टाटा हास्पिटल, डा. एमेस्ट बाजेंस मार्ग, परेल, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।

(ii) यह कि उक्त संगठन अपने वैज्ञानिक अनुसंधान सम्बंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बंध में प्रतिवर्ष 31 मार्च मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त संगठन अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियों, वेनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन वस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा सम्बंधित आयकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त संगठन केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से तीन माह पूर्व अनिवार्य अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

## इंस्टीट्यूशन/एसोसिएशन

टाटा मेमोरियल सेंटर, टाटा हॉस्पिटल, डा. एम्मेस्ट बॉर्जस मार्ग पारेल, बम्बई।

यह अधिसूचना दिनांक 1-4-1986 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 8204(फा.सं. 203/174/86-आयकर नि.-II)]

New Delhi, the 23rd February, 1989

## (INCOME-TAX)

S.O. 2026.—In continuation of this Office Notification No. 6583 (F. No. 203/206/85-ITA.II) dated 28-1-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions :—

- (i) That Tata Memorial Centre, Tata Hospital Dr. Ernest Borges Marg, Parel, Bombay will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

Tata Memorial Centre, Tata Hospital Dr. Ernest Borges Marg, Parel, Bombay

This Notification is effective for a period from 1-4-1988 to 31-3-1989.

[No. 8204 (F. No. 203/174/88-ITA.II)]

## (आयकर)

का.प्र. 2027.—इस कार्यालय की दिनांक 2-7-1987 की अधिसूचना सं. 7397 (फा. सं. 203/115/87-आ.करनि.-II) के अन्तर्गत में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विज्ञान प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (i) के खण्ड (ii) (वैनीस/एफ/रो) के प्रयोजनों के लिए "संस्था" प्रयोग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि राजकोट कैंसर सोसाइटी, राजकोट अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान सम्बंधी कार्य-कलापों की वार्षिक विवरणी, विज्ञान प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बंध में प्रति वर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय वार्षिक रूप अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विज्ञान प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (कूट), कलकत्ता तथा सम्बंधित आयकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आय कर महानिदेशक (कूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व प्रतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

## इंस्टीट्यूशन/एसोसिएशन

राजकोट कैंसर सोसाइटी, बी.प्रार. देमाई कैंसर रिसर्च सेंटर, रेवा रोड, राजकोट-360001।

यह अधिसूचना दिनांक 1-4-1988 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 8210(फा.सं. 203/287/88-आयकर नि.-II)]

## (INCOME-TAX)

S.O. 2027.—In continuation of this Office Notification No. 7397 (F. No. 203/115/87-ITA.II) dated 2-7-1987 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institute" subject to the following conditions :—

- (i) That Rajkot Cancer Society, Rajkot will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

Rajkot Cancer Society, V. R. Desai Cancer Research Centre,  
Raiya Road, Rajkot-360001.

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8210 (F. No. 203/287/88-ITA.II)]

(आयकर)

का.आ. 2028.—इस कार्यालय की दिनांक 17-9-1986 की अधिसूचना सं. 6923 (फा. सं. 203/27/84-आ.कानि.-II) के अनुक्रम में, सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (i) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संगठन" प्रवर्ग के अर्थात् निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि के. जे. रीसर्च फाउण्डेशन, मद्रास अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान सम्बंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बंध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दशति हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दशति हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा सम्बंधित आयकर अमुक्त के पास भेजेगा।
- (iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन/एसोसिएशन

के. जे. रीसर्च फाउण्डेशन, 941, पूनामली हाई रोड, मद्रास-600084।

यह अधिसूचना दिनांक 1-4-1988 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 8203 (फा. सं. 203/4/88-आयकर नि. II)]

## (INCOME-TAX)

S.O. 2028.—In continuation of this Office Notification No. 6923 (F. No. 203/27/84-ITA.II) dated 17-9-1986 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions :—

- (i) That K. J. Research Foundation, Madras will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

K. J. Research Foundation, 491, Poonamalee High Road,  
Madras-400084

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8203 (F. No. 203/4/88-ITA.II)]

नई दिल्ली, 27 फरवरी, 1989

(आयकर)

का.आ. 2029.—इस कार्यालय की दिनांक 9-10-1986 की अधिसूचना सं. 6958 (फा. सं. 203/197/86-आ.कानि.-II) के अनुक्रम में, सर्वसाधारण की जानकारी के लिए एतद्द्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (i) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "इंस्टीच्यूट" प्रवर्ग के अर्थात् निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि कस्तूरबा हैल्थ सोसायटी, वरधा अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त इंस्टीच्यूट अपने वैज्ञानिक अनुसंधान सम्बंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बंध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त इंस्टीच्यूट अपनी कुल आय तथा व्यय दशति हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दशति हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा सम्बंधित आयकर अमुक्त के पास भेजेगा।

- (iv) यह कि उक्त इंस्टीच्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।



**इंस्टीट्यूशन/एसोसिएशन**

कस्तूरबा हेल्थ सोसायटी, पी. ओ. समग्राम वरधा महाराष्ट्र ।

यह अधिसूचना दिनांक 1-4-1988 से 31-3-88 तक की अवधि के लिए प्रभावी है ।

[सं. 8215 (फा. सं. 203/95/88-आयकर नि.-II)]

New Delhi the 27th February, 1989

**(INCOME-TAX)**

S.O. 2029.—In continuation of this Office Notification No. 6958 (F. No. 203/197/86-ITA.II) dated 9-10-1986 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That Kasturba Health Society, Wardha will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

**INSTITUTION/ASSOCIATION**

Kasturba Health Society, P.O. Samagram Wardha, Maharashtra

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8215 (F. No. 203/95/88-ITA.II)]

**(आयकर)**

का.आ. 2030.—इस कार्यालय को दिनांक 24-8-1987 की अधिसूचना सं. 7487 (फा. सं. 203/77/87-आ. कर नि.-II) के अन्तर्गत में, सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (i) के खण्ड (ii) (वैसीम/एक/दो) के प्रयोजनों के लिए "इंस्टीट्यूट" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि मेडिकल रिसर्च सेन्टर आफ बम्बई हस्पताल ट्रस्ट, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राजियों का पथक लेखा रखेगा ।
- (ii) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान सम्बंधी कार्य-कलाओं की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक

वित्तीय वर्ष के सम्बंध में प्रतिवर्ष 31 मई तक ऐसे खाते में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए ।

- (iii) यह कि उक्त इंस्टीट्यूट अपनी कुल आय तथा व्यय वसति हुए अपने संयोजित वार्षिक लेखों की तथा अपनी परिसम्पत्तियों, देनदारियों वसति हुए मुलान-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन वस्तुओं में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा सम्बंधित आयकर प्रयुक्त के पास भेजेगा ।
- (iv) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आय कर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व प्रतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा । अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले या बेचन पक्षों को रद्द कर दिया जाएगा ।

**इंस्टीट्यूशन/एसोसिएशन**

मेडिकल रिसर्च सेन्टर आफ बम्बई हस्पताल ट्रस्ट, 12 मेरिन लाईन बम्बई ।

यह अधिसूचना दिनांक 1-4-88 से 31-3-1988 तक की अवधि के लिए प्रभावी है ।

[सं. 8216 (फा. सं. 203/164/88-आयकर नि.-II)]

**(INCOME-TAX)**

S.O. 2030.—In continuation of this Office Notification No. 7487 (F. No. 203/77/87-ITA.II) dated 24-8-1987 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That Medical Research Centre of Bombay Hospital Trust, Bombay will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

**INSTITUTION/ASSOCIATION**

Medical Research Centre of Bombay Hospital Trust, 12, Marine Lines, Bombay

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8216 (F. No. 203/164/88-ITA.II)]

नई दिल्ली, 8 मार्च, 1989

(आयकर)

क. आ. 2031.—इस कार्यालय की दिनांक 21-3-86 की अधिसूचना सं. 6629 (फा.सं. 203/237/85-आ. कर नि.-II) के अनुक्रम में, सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था का आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (iii) (पैतीस/एक/तीन) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

(i) यह कि इंडियन काउंसिल फॉर रिसर्च ऑन इंटरनेशनल इकॉनॉमिक रिलेशन्स, नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी, को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संरोक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां वसति हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली आयकर महानिदेशक (छूट), कलकत्ता संबंधित आयकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली, तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अनिश्चित अवधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पञ्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन/एसोसिएशन

इंडियन काउंसिल फॉर रिसर्च ऑन इंटरनेशनल इकॉनॉमिक रिलेशन्स, नई दिल्ली-3

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8225(फा. सं. 203/192/88-आयकर नि.-II)]

New Delhi, the 8th March, 1989

(INCOME-TAX)

S.O. 2031.—In continuation of this Office Notification No. 6629 (F. No. 203/237/85-ITA.II) dated 21-3-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions:—

(i) That Indian Council for Research on International Economic Relations, New Delhi will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as

may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

Indian Council for Research on International Economic Relations, New Delhi-3

This Notification is effective for a period from 1-4-88 to 31-3-89

[No.8225 (F. No. 203/192/88-ITA.II)]

(आय-कर)

क. आ. 2032.—इस कार्यालय की दिनांक 5-5-86 की अधिसूचना सं. 6696 (फा.सं. 203/29/86—आ. कर नि.-II) के अनुक्रम में, सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 25 की उपधारा (1) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "एसोसिएशन" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

(i) यह कि हैदराबाद साइंस सोसाइटी, हैदराबाद अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त एसोसिएशन अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त एसोसिएशन अपनी कुल आय तथा व्यय दर्शाते हुए अपने संरोक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां वसति हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त एसोसिएशन केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से तीन माह पूर्व अनिश्चित अवधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पञ्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन/एसोसिएशन

हैदराबाद साइंस सोसाइटी 12-2-460. मेहदीपत्तनम हैदराबाद-500028

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8224(फा.सं. 203/88/88-आयकर नि.-II)]

## (INCOME-TAX)

S.O. 2032.—In continuation of this Office Notification No. 6696 (F. No. 203/29/86-ITA.II) dated 5-5-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions:—

- (i) That Hyderabad Science Society, Hyderabad will maintain a separate account of the sums received by it for scientific research,
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

Hyderabad Science Society, 12-2-460, Mehdiptnam,

Hyderabad-500028

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8224 (F. No. 203/88/88-ITA.II)]

नई दिल्ली, 17 मार्च, 1989

(आयकर)

क.प्र. 2033.—इस कार्यालय की दिनांक 14-3-86 की अधिसूचना सं. 6866 (फा.सं. 203/6/86-आ.कर.नि.-II) के अनुक्रम में, सर्वे साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 को उपधारा (I) के खण्ड (III) (तीस/एक/दो) के प्रयोजनों के लिए "संस्था" शब्दों के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

(i) यह कि महात्मा गांधी मेमोरियल कॉलेज ट्रस्ट उडुपी अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी कार्रवाइयों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के समाप्ति में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिषूचित किया गए और उसे सूचित किया

(iii) यह कि उक्त संस्थान अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरोक्षित वार्षिक लेखों को तथा अपनी परिसम्पत्तियों, देनदारियों तथा निधि एवं तुल्यपत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महा निदेशक (छूट), कलकत्ता तथा संबंधित आयकर अधिकृत के पास भेजेगा।

(iv) यह कि उक्त संस्थान केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली, तथा आयकर महा निदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति में पूर्व अनिवार्य अवधि बढ़ाने के लिए आवेदन करेगा, अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन

महात्मा गांधी मेमोरियल कॉलेज ट्रस्ट, उडुपी

यह अधिसूचना दिनांक 1-4-86 से 31-3-89 तक की अवधि लिए प्रभावी है।

[सं. 8249 (फा.सं. 203/18/88-आयकर नि. II)]

New Delhi, the 17th March, 1989

## (INCOME-TAX)

S.O. 2033.—In continuation of this Office Notification No. 6866 (F. No. 203/6/86-ITA.II) dated 14-8-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category Institution subject to the following conditions:—

- (i) That Mahatma Gandhi Memorial College Trust, Udupi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION/ASSOCIATION

Mahatma Gandhi Memorial College Trust, Udupi

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8249 (F. No. 203/18/88-ITA.II)]

नई दिल्ली, 20 मार्च, 1989

(आयकर)

का. आ. 2034—इस कार्यालय की दिनांक 18-4-1986 की अधिसूचना सं. 6677 (फा.सं. 203/14/85-आ.कर.नि.-ii) के अनुक्रम में, सर्वे साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के खण्ड (III) (वैतोस/एक/तीन) के प्रयोजनों के लिए "इंस्टीट्यूट" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

(i) यह कि प्रभा इंस्टीट्यूट आफ मैनेजमेंट, मद्रास अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त इंस्टीट्यूट अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरोक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से तीन माह पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन/एसोसिएशन

प्रभा इंस्टीट्यूट आफ मैनेजमेंट, कांची, 36, ग्रीनवेज रोड, मद्रास, 600028

यह अधिनियम दिनांक 1-4-1988 से 31-3-1989 तक को कथित कि लिए प्रभावी है।

[सं. 8271 (फा.सं. 203/22/89-आयकर नि.-II)]

New Delhi, the 20th March, 1989

(INCOME-TAX)

S.O. 2034.—In continuation of this Office Notification No. 6677 (F. No. 203/111/85-ITA.II) dated 18-4-1986 is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category Institute subject to the following conditions:—

(i) That Anna Institute of Management, Madras will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as

may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION/ASSOCIATION

Anna Institute of Management, 'Kanchi', 36, Greenways Road, Madras-600028

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8271 (F. No. 203/22/89-ITA.II)]

(आयकर)

का. आ. 2035—इस कार्यालय की दिनांक 17-3-1986 की अधिसूचना सं. 6620 (फा.सं. 203/93/85-आ.कर.नि.-ii) के अनुक्रम में, सर्वे साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (I) के खण्ड (III) (वैतोस/एक/तीन) के प्रयोजनों के लिए "इंस्टीट्यूट" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:

(i) यह कि नेशनल सेक्टर लॉ एसोसिएशन, नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्यकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त इंस्टीट्यूट अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरोक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से तीन माह पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

**इंस्टीट्यूट/एसोसिएशन**

नेशनल लेबर लॉ एसोसिएशन, बी-36, एन.डी.एस.ई., पार्ट-II  
नई दिल्ली-49

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8270(फा.सं. 203/24/89-मायकर नि.-II)]

**(INCOME-TAX)**

S.O. 2035.—In continuation of this Office Notification No. 6620 (F. No. 203/93/85-ITA.II) dated 17-3-1986 is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category Institute subject to the following conditions :—

- (i) That National Labour Law Association, New Delhi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their Audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta 3 months in advance before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

**INSTITUTION/ASSOCIATION**

National Labour Law Association, B-36, N.D.S.E., Part-II,  
New Delhi-49

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8270 (F. No. 203/24/89-ITA.II)]

नई दिल्ली, 27 मार्च, 1989

(मायकर)

का.जा. 2036.—इस कार्यालय की दिनांक 21-4-87 की अधिसूचना सं. 7252 (फा.सं. 203/177/86-मायकर नि.-II) के अनुक्रम में, सब साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि निम्नलिखित संस्था को मायकर नियम 1962 के नियम 6 के साथ पठित मायकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) (पेलोस/एक/तीन) के प्रयोजनों के लिए "इंस्टीट्यूट" शब्दों के अंतर्गत निम्नलिखित शर्तों पर अनुमोदित किया है :

(i) यह कि तृतीय विश्व विकास केंद्र नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राजियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्यक्रमों की वार्षिक विवरणी, निम्नलिखित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मई तक ऐसे प्रारूपों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिसूचित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त इंस्टीट्यूट अपने कुल प्राप्त तथा खर्च दर्शाते हुए अपने संपरोक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक निम्नलिखित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केंद्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, मायकर महानिदेशक (छूट), कलकत्ता तथा संबंधित मायकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त इंस्टीट्यूट केंद्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली तथा मायकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व प्रतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

**इंस्टीट्यूट/एसोसिएशन**

तृतीय विश्व विकास केंद्र प्रथम माल चक्र 41-97, कातकाथा,  
नई दिल्ली-19

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8286(फा.सं. 203/45/89-मायकर नि.-II)]

New Delhi, the 27th March, 1989

**(INCOME-TAX)**

S.O. 2036.—In continuation of this Office Notification No. 7252 (F. No. 203/177/86-ITA. II) dated 21-4-87 is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions:—

- (i) That Third World Development Centre, New Delhi will maintain a separate account of the sums received by it or scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION

Third World Development Centre, First Round Circle R-97, Kalkaji, New Delhi-19.

This Notification is effective for a period from 1-4-88 to 31-1-89.

[No. 8286 (F. No. 203/45/89-ITA.II)]

नई दिल्ली, 28 मार्च, 1989

(भाष्यकर)

क्र.सं. 2037:—इस कार्यालय को दिनांक 17-9-86 को अधिसूचना सं. 6925 (फा.सं. 203/11/86-मा.कर नि. II) के अनुक्रम में सर्व साधारण को जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को भाष्यकर नियम 1962 के नियम 6 के साथ पठित भाष्यकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) (पैरोस/एक/तीन) के प्रयोजनों के लिए "इंस्टीट्यूट" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:

(i) यह कि टाइम्स रिसर्च फाउण्डेशन, नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणों, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मई तक ऐसे प्रार्यों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधि कथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त इंस्टीट्यूट अपनी कुल आय तथा व्यय दर्शाते हुए अपने संतरोधित वार्षिक लेखों को तथा अपनी परिस्थितियों, देशधारियों दक्षति हुए तुलन-पत्र को एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक को एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, भाष्यकर महानिदेशक (छूट), कलकत्ता तथा संबंधित भाष्यकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय राजस्व विभाग), नई दिल्ली तथा भाष्यकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व प्रतिरिक्त अधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूट/एसोसिएशन

टाइम्स रिसर्च फाउण्डेशन, नई दिल्ली।

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक को अधि के लिए प्रभावी है।

[सं. 8296 (फा.सं. 203/37/89-मा.कर नि.-II)]

New Delhi, the 28th March, 1989

(INCOME-TAX)

S.O. 2037.—In continuation of this Office Notification No. 6925 (F. No. 203/11/86-ITA.II) dated 17-9-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under

the Category "Institution" subject to the following conditions:—

(i) That Times Research Foundation, New Delhi will maintain a separate account of the sums received by it for scientific research.

(ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.

(iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.

(iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION

Times Research Foundation, New Delhi.

This Notification is effective for a period from 1-4-88 to 31-3-89

[No. 8296 (F. No. 203/37/89-ITA.II)]

(भाष्यकर)

क्र.सं. 2033 :—इस कार्यालय को दिनांक 31-10-86 को अधिसूचना सं. 6990 (फा.सं. 203/175/86-मा.कर नि.-II) के अनुक्रम में, सर्व साधारण को जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को भाष्यकर नियम 1962 के नियम 6 के साथ पठित भाष्यकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) (पैरोस/एक/तीन) के प्रयोजनों के लिए "इंस्टीट्यूट" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है।

(i) यह कि ठाकुर रिसर्च फाउण्डेशन नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणों, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रतिवर्ष 31 मई तक ऐसे प्रार्यों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधि कथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त इंस्टीट्यूट अपनी कुल आय तथा व्यय दर्शाते हुए अपने संतरोधित वार्षिक लेखों को तथा अपनी परिस्थितियों, देशधारियों दक्षति हुए तुलन-पत्र को एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक को एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, भाष्यकर महानिदेशक (छूट), कलकत्ता तथा संबंधित भाष्यकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा भाष्यकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व प्रतिरिक्त अधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूट

ठाकुर रिसर्च फाउंडेशन दिल्ली।

यह अधिसूचना दिनांक 1-4-88 से 21-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8295 (फा.सं. 203/44/89-आयकर नि.-II)]

## (INCOME-TAX)

S.O. 2038.—In continuation of this Office Notification No. 6990 (F. No. 203/175/86-ITA.II) dated 31-10-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That Thakur Research Foundation, New Delhi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION

Thakur Research Foundation, New Delhi.

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8295 (F. No. 203/44/89-ITA.II)]

नई दिल्ली, 30 मार्च, 1989

(आयकर)

का.आ. 2039.—इस कार्यालय की दिनांक 4-11-1985 को अधिसूचना सं. 6488 (फा.सं. 203/74/83-आय कर नि-II) के अनुक्रम में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ प्रतिन आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) पंजीम/एकत्रीन के प्रयोजनों के लिए "इंस्टीट्यूशन" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि संगीत महाभारती, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।

(ii) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बन्ध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधि-कथित किया जाए और उसे सूचित किया जाए।

(iii) यह कि उक्त इंस्टीट्यूट अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परि-सम्पत्तियों, देनदारियों दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।

(iv) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महानिदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अतिरिक्त अधि बढ़ाने के लिए आवेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

इंस्टीट्यूशन

संगीत महाभारती, बिल्डिंग पारले (पश्चिम), बम्बई।

यह अधिसूचना दिनांक 1-4-87 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8305 (फा.सं. 203/244/86-आयकर नि-II)]

New Delhi, the 30th March, 1989

## (INCOME-TAX)

S.O. 2039.—In continuation of this Office Notification No. 6488 (F. No. 203/74/83-ITA.II) dated 4-11-1985 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That Sangit Mahabharati, Bombay will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION

Sangit Mahabharati, Vile Parle (West), Bombay.

This Notification is effective for a period from 1-4-87 to 31-3-89.

[No. 8305(F. No. 203/244/86-ITA.II)]

(आयकर)

का.पा. 2040.—इस कार्यालय की दिनांक 1-12-87 की अधिसूचना सं. 7633 (फा.सं. 203/96/87-आ. कर नि-II) के अनुक्रम में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) (पैरोस/एक/तीन) के प्रयोजनों के लिए "इन्स्टीट्यूशन" प्रवर्ग के अधीन निम्नलिखित पर अनुमोदित किया है:

- (i) यह कि इन्स्टीट्यूट आफ मनेजमेंट डिबेलपमेंट, उ.प्र. अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त इन्स्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बन्ध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त इन्स्टीट्यूट अपनी कुल आय तथा व्यय वस्तुि हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महाविदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।
- (iv) यह कि उक्त इन्स्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महाविदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व प्रतिरिक्त अधिश बढ़ाने के लिए आबेदन करेगा। अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आबेदन पत्रों को रद्द कर दिया जाएगा।

इन्स्टीट्यूशन

इन्स्टीट्यूट आफ मनेजमेंट डिबेलपमेंट, उ.प्र., सेक्टर-डी-अलिगंज, लखनऊ-226070

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अधिश के लिए प्रभावी है।

[सं. 8306 (फा.सं. 203/176/88-आयकर नि-II)]

(INCOME-TAX)

S.O. 2040.—In continuation of this Office Notification No. 7683 (F. No. 203/96/87-ITA.II) dated 1-12-87 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (iii) of sub-section (1) of Section 35 (Thirty Five/One/Three) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962

under the Category "Institution" subject to the following conditions:—

- (i) That Institute of Management Development, U.P. will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, Applications received after the date of expiry of approval are liable to be rejected.

## INSTITUTION

Institute of Management Development, U.P. Sector D, Aliganj, Lucknow-226020.

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8306 (F. No. 203/176/88-ITA. II)]

नई दिल्ली, 5 अप्रैल, 1989

(आयकर)

का.पा. 2041.—इस कार्यालय की दिनांक 18-2-1988 की अधिसूचना सं. 7777 (फा.सं. 203/86/87-आ. कर नि.-II) के अनुक्रम में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) (पैरोस/एक/दो) के प्रयोजनों के लिए "एसोसिएशन" प्रवर्ग के अधीन निम्नलिखित तर्कों पर अनुमोदित किया है:—

- (i) यह कि फील्ड रिसर्च सेंटर नई दिल्ली अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त एसोसिएशन अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के सम्बन्ध में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त एसोसिएशन अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसम्पत्तियां देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महाविदेशक (छूट), कलकत्ता तथा संबंधित आयकर आयुक्त के पास भेजेगा।
- (iv) यह कि उक्त एसोसिएशन केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महा-



निदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा अनुमोदन की समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

#### एसोसिएशन

फोर्ब्स रिसर्च सेंटर, 10 गिधिया हाउस, द्वितीय तल, कनॉट प्लेस, नई दिल्ली।

यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8321 (फा.सं. 203/56/89-आयकर नि-II)]

New Delhi, the 5th April, 1989

#### (INCOME-TAX)

S.O. 2041.—In continuation of this Office Notification No. 7777 (F. No. 203/86/87-ITA.II) dated 18-2-88 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1961 under the Category "Association" subject to the following conditions:—

- (i) That Forbes Research Centre, New Delhi will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the Concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

#### ASSOCIATION

Forbes Research Centre, 10 Scindja House, 2nd floor, Connaught Place, New Delhi.

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8321 (F. No. 203/56/89 ITA.II)]

#### (आयकर)

फा.सं. 2042.—इस कार्यालय की दिनांक 29-9-86 की अधिसूचना सं. 6938 (फा.सं. 203/25/86 आयकर नि-II) के अनुक्रम में, सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली ने, निम्नलिखित संस्था को आवेदन नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) (वैज्ञानिक/वैद्य) के प्रयोजनों के 2300 GI/89-4.

"एसोसिएशन" प्रयोग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि बाई जेरबाई वाडिया हॉस्पिटल फॉर चिल्ड्रन एण्ड इंस्टीट्यूट ऑफ हेल्थ रिसर्च सोसायटी, बम्बई अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।
- (ii) यह कि उक्त एसोसिएशन अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संवत् में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त एसोसिएशन अपनी कुल आय तथा व्यय वार्षिक रूप से अपने संपरीक्षित वार्षिक लेखों की तथा अपने परि-सम्पत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन वस्तुओं में से प्रत्येक को एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर महानिदेशक (छूट), कलकत्ता तथा संबंधित आयकर प्रायुक्त के पास भेजेगा।
- (iv) यह कि उक्त एसोसिएशन केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली तथा आयकर महा-निदेशक (छूट), कलकत्ता को अनुमोदन की समाप्ति से पूर्व अतिरिक्त अवधि बढ़ाने के लिए आवेदन करेगा अनुमोदन समाप्ति की तारीख के पश्चात् प्राप्त होने वाले आवेदन को रद्द कर दिया जाएगा।

#### एसोसिएशन

बाई जेरबाई वाडिया हॉस्पिटल फॉर चिल्ड्रन एण्ड इंस्टीट्यूट ऑफ हेल्थ रिसर्च सोसायटी बम्बई, प्राचार्य डॉ. जे. मर्ग परेल, बम्बई-40012  
यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8322 (फा.सं. 203/57/89 आयकर नि.-II)]

#### (INCOME-TAX)

S.O. 2042.—In continuation of this Office Notification No. 6938 (F. No. 203/25/86-ITA-1) dated 29-9-86 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions:—

- (i) That Bai Jerbai Wadia Hospital for Children and Institute of Child Health Research Society, Bombay will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the Concerned Commissioner of Income-tax.

- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension, applications received after the date of expiry of approval are liable to be rejected.

#### ASSOCIATION

Bai Jerbai Wadia Hospital for Children and Institute of Child Health Research Society Bombay, Acharya Donde Marg, Parel, Bombay-400012.

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8322 (F. No. 203/57/89 ITA II)]

#### (आयकर)

का.प्र. 2043.—इस कार्यालय की दिनांक 14-7-87 की अधिसूचना सं. 7422 (फा. सं. 203/40/87 आ. कर वि-II) के प्रकृत में, सर्वसाधारण की जानकारी के लिए एन.एच.आर. सोसायटी के द्वारा यह घोषित किया जाता है कि विहित प्राधिकारी द्वारा वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 की धारा 8 के साथ पठित आयकर प्रविनियम, 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) (वैज्ञानिक/एक) के प्रयोजनों के लिए "इंस्टीट्यूशन" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (1) यह कि गोवा कैंसर सोसायटी, डॉ. ई. बॉर्गेस रोड, डोना पौला, गोवा-4 अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।
- (2) यह कि उक्त इंस्टीट्यूट अपने वैज्ञानिक अनुसंधान संबंधी कार्य-कलाओं की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के समाप्त में प्रतिवर्ष 31 मई तक ऐसे प्रपत्रों में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिक कथित किया जाए और उसे सुचित किया जाए।
- (3) यह कि उक्त इंस्टीट्यूट अपने कुल आय तथा व्यय दर्शाते हुए अपने संपर्कित वार्षिक लेखों की तथा अपने परिसम्पत्तियों, देयदारियों वस्तुति द्वारा तुलना-पत्र की एक-एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी के पास प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली, आयकर मन्त्रालय (छूट), कलकत्ता तथा सम्बंधित आयकर आयुक्तों को पान भेजेगा।
- (4) यह कि उक्त इंस्टीट्यूट केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व निष्पाद), नई दिल्ली तथा आयकर मन्त्रालय (छूट), कलकत्ता को अनुमोदित की समिति से तीन माह पूर्व प्रतिवर्ष अधिक वस्तुति के लिए आवेदन करेगा अनुमोदित की समिति की तारीख के पश्चात् प्राप्त होने वाले आवेदन पत्रों को रद्द कर दिया जाएगा।

#### इंस्टीट्यूशन

गोवा कैंसर सोसायटी, डॉ. ई. बॉर्गेस रोड, डोना पौला, गोवा-यह अधिसूचना दिनांक 1-4-88 से 31-3-89 तक की अवधि के लिए प्रभावी है।

[सं. 8320 (फा. सं. 203/25/88-आयकर वि-II)]

निशि नायर, अवर सचिव

#### INCOME-TAX

S.O. 2043.—In continuation of this Office Notification No. 7422 (F. No. 203/40/87-ITA II) dated 14-7-87 it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (II) of sub-section (1)

of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with rule 6 of the Income-tax Rules, 1962 under the Category Institution subject to the following conditions:—

- (i) That Goa Cancer Society Dr. E. Borges Road, Dona Paula, Goa-4 will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets/Liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi, DGIT (Exemption) Calcutta and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi and DGIT (Exemption) Calcutta before the expiry of the approval for further extension Applications received after the date of expiry of approval are liable to be rejected.

#### INSTITUTION

Goa Cancer Society, Dr. E. Borges Road, Dona Paula, Goa-4.

This Notification is effective for a period from 1-4-88 to 31-3-89.

[No. 8320 (F. No. 203/25/88-ITA II)]

NISHI NAIR, Under Secy

(आर्थिक कार्य विभाग)

नई दिल्ली, 2 अगस्त, 1989

का.प्र. 2044.—केन्द्रीय सरकार, विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 3 के खण्ड (क) के साथ पठित धारा 4 की उपधारा (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्धों को प्रवर्तन करने के प्रयोजनार्थ एम. पी. एम. पण्डित को प्रवर्तन अधिकारी नियुक्त करती है, जिसका पदाभिधान विशेष प्रवर्तन निदेशक होगा और उक्त अधिनियम की धारा 50 द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए, उन्हें तदधीन बताये गये किसी नियम, निदेश या आदेश या उसके उपबन्धों में से किसी भी उपबन्ध (धारा 13, धारा 18 की उपधारा (1) के खंड (क) और धारा 19 की उपधारा (1) के खण्ड (क) से निम्न के उल्लंघन के मामलों का अधिनियम करने के लिए शक्तियां प्रदान करती है।

[फा. सं. 174/1/89-टी सी (ई)]

राष्ट्रधर्मण सा, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 2nd August, 1989

S.O. 2044.—In exercise of the powers conferred by sub-section (1) of section 4, read with clause (a) of section 3 of the Foreign Exchange Regulation Act, 1973 (46 of 1973), the Central Government hereby appoints Shri S. P. S. Pandit to be an officer of Enforcement with the designation of Special Director of Enforcement for the purpose of enforcing the provisions of the said Act; and in exercise of the powers conferred by section 50 of the said Act hereby empowers him to adjudicate cases of contravention of any of the provisions thereof [other than section 13, clause (a) of sub-section (1) of section 18 and clause (a) of sub-section

(1) of section 19] or of any rule, direction or order made thereunder

[F. No. 174/1/89-TC(E)]

R. R. JHA, Under Secy.

### बाणिज्य मंत्रालय

(मुख्य नियंत्रक आयात निर्यात का कार्यालय)

प्रादेश

नई दिल्ली, 8 अगस्त, 1989

का.प्रा. 2045.—डा. रशीद अली सिद्दीकी, मार्फत मैसर्स फाइन ऑफसेट वर्क्स, 69-बी/1 शौकत अली रोड, अटाला, इलाहाबाद-3 (उत्तर प्रदेश) को विदेशों में उनकी विदेशी मुद्रा की बचत के आधार पर सेकण्ड हैंड प्रिंटिंग मशीन के आयात के लिए रु. 3,04,000 (तीन लाख चार हजार रुपये मात्र) मूल्य का एक आयात लाइसेंस सं. पी/सी/जी/2099683 दिनांक 2-1-86 प्रदान किया गया था।

2. फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन और विनियम नियंत्रण प्रयोजन (दोनों) प्रतियों की अनुलिपि जारी करने के लिए इस आधार पर अनुरोध किया है कि सीमाशुल्क प्रयोजन और विनियम नियंत्रण प्रयोजन दोनों मूल प्रतियां खो गई हैं। उन्होंने आगे यह भी बताया है कि उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति सीमाशुल्क प्राधिकारी (कस्टम हाउस, कलकत्ता) के पास पंजीकृत की और तबनुसार सीमाशुल्क प्रयोजन प्रति का प्रगत उपयोग किया गया था।

3. अपने इस तर्क के समर्थन में लाइसेंसधारी ने स्टाम्प पेपर पर नोटरी पब्लिक, दिल्ली के समक्ष विधिवत शपथ लेकर एक हलफनामा प्रस्तुत किया है। तबनुसार मैं संतुष्ट हूँ कि लाइसेंस सं. पी/सी/जी/2099683 दिनांक 2-1-86 की मूल सीमाशुल्क प्रयोजन और मूल विनियम नियंत्रण प्रयोजन प्रति फर्म से खो गई हैं। 7-12-1955 के समय-समय पर यथासंशोधित आयात (नियंत्रण) आदेश, 1955 के उप खण्ड 9(ग) के अन्तर्गत प्रवक्त शक्तियों का प्रयोग करते हुए डा. रशीद अली सिद्दीकी को जारी की गई मूल सीमाशुल्क प्रयोजन/विनियम नियंत्रण प्रयोजन (दोनों) प्रति सं. पी. सी. जी/2099683 दिनांक 2-1-86 को एतद् द्वारा रद्द किया जाता है।

4. उक्त लाइसेंस की सीमाशुल्क प्रयोजन/विनियम नियंत्रण प्रयोजन प्रतियों की अनुलिपि प्रतियां फर्म को भलग से जारी की जा रही हैं।

[फ. सं. सी जी-2/1024/48/आई एन एस ए./85/86]

बी. आर. अहीर, उप मुख्य नियंत्रक, आयात-निर्यात

### MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

### ORDER

New Delhi, the 8th August, 1989

S.O. 2045.—Dr. Rashid Ali Siddiqui, C/o M/s. Fine Offset Works, 69-B/1, Shaikat Ali Road, Atala, Allahabad-3 (U.P.) was granted an Import Licence No. P/CG/2099683 dated 2nd January 1986 for Rs. 3,04,000 (Rupees Three lakhs and four thousand only) for import of Second-hand printing machines under applicants own foreign exchange savings abroad.

2. The party has applied for issue of Duplicate copy of Customs and Exchange control purposes copy of the above-mentioned licence on the ground that the original Customs purposes and Exchange control copy of the licence has been lost. It has further been stated that the Customs purposes copy of the licence was registered with Customs Authority (Customs House, Calcutta) and as such the value of Customs purposes copy has been utilised partly.

3. In support of their contention, the licensee has filed an affidavit on stamp paper duly sworn in before a Notary Public Delhi. I am accordingly satisfied that the original Customs purposes and Exchange purposes copy of Import Licence No. P/CG/2099683 dated 2nd January, 1986 has been lost by the party. In exercise of the power conferred under sub-clause 9(cc) of the Import (control) Order, 1955 dated 7th December, 1955 as amended from time to time the said original Customs purposes and Exchange purposes copy of Import Licence No. P/CG/2099683 dated 2nd January, 1986 issued to Dr. Rashid Ali Siddiqui is hereby cancelled.

4. A duplicate Customs purposes and Exchange control purposes copy of the said licence are being issued to the party separately.

[F. No. CGII/1024/48/INSA/85-86]

B. R. AHIR, Dy. Chief Controller of Imports and Exports

प्रादेश

नई दिल्ली, 9 अगस्त, 1989

का.प्रा. 2046.—मै. सौराष्ट्र स्टील इण्डस्ट्रीज लि., जी.आई.डी.सी. इण्डस्ट्रियल एस्टेट, नेशनल हाइवे नं. 8, लिमडी, जिला-सुरेन्द्रनगर, पिन-363421 को आर.पी.ए. के अंतर्गत 7098 मी.टन एम.एस. स्क्रैप के आयात हेतु 2,05,10,105/-रु. (दो करोड़, पांच लाख, बस हजार, एक सौ पांच स. मात्र) का एक आयात लाइसेंस सं. पी/सी/2276663, दिनांक 19.4.1989 दिया गया था।

2. उक्त फर्म ने उपर्युक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की दूसरी प्रति जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति खो गई है या गुम हो गई है। आगे यह भी कहा गया है कि सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं करवाया गया था और इस कारण से सीमाशुल्क प्रयोजन प्रति के मूल्य का कतई भी प्रयोग नहीं किया गया है।

3. इस दावे के अनुमर्थन में इस फर्म ने नोटरी पब्लिक, बर्धई के समक्ष विधिवत शपथ लेते हुए एक हलफनामा भी इसके साथ संलग्न किया है। तबनुसार, मैं संतुष्ट हूँ कि 19-4-89 के आयात लाइसेंस सं. पी/सी/2276663 की मूल सीमाशुल्क प्रयोजन प्रति इस फर्म से खो गई या गुम हो गई है। यथासंशोधित 7.13.1955 के आयात (नियंत्रण) आदेश, 1955 के उप-खण्ड 9(ग) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए मै. सौराष्ट्र स्टील इण्डस्ट्रीज लि. को जारी किए गए 19.4.89 के आयात लाइसेंस सं. पी.सी./2276663 की उक्त मूल सीमाशुल्क प्रयोजन प्रति को एतद्द्वारा रद्द किया जाता है।

4. पार्टी को उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की दूसरी प्रति भलग से जारी की जा रही है।

[सं. सप्ती/एस/सी.पी. बी/डी. जी.टी.डी./ए.एम. 90/एस.एस.एस]

### ORDER

New Delhi, the 9th August, 1989

S.O. 2046.—M/s. Saurashtra Steel Industries Ltd., GIDC Industrial Estate, National Highway No. 8A, Limdi Dist. Surendranagar PIN-363421 were granted an import licence No. P/D/2276663 dated 19th April, 1989 for Rs. 2,05,10,105 (Rupees Two Crores Five lakhs ten thousand one hundred and five only) for import of 7098 MT of MS Scraps under R.P.A.

2. The firm has applied for issue of Duplicate copy of Customs Purposes copy of the abovementioned licence on the ground that the original Customs Purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs Purposes copy of the licence was not registered with any Customs Authority and as such the value of Customs Purposes copy has not been utilised at all.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Bombay. I am accordingly satisfied that the original Customs Purposes copy of import licence No. P/D/2276663 dated 19th April, 1989 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Customs Purposes copy of No. P/D/2276663 dated 19th April, 1989 issued to M/s. Saurashtra Steel Industries Ltd., is hereby cancelled.

4. A duplicate Customs Purposes copy of the said licence is being issued to the party separately.

[No. Suppl/S-can/8/DGTD/AM. 90|SLS|466]

का.या. 2047.—मैसर्स ऐक्सलस इंडिया लिमिटेड, सिंगापेरुमल कोली रोड, श्रीपेरुम्बुदुर-6021105, चिंगलपुट जिला, तमिलनाडु को मुक्त शिपिंगी मुद्रा के अंतर्गत, प्रेशर वेसल क्वालिटी नॉन-स्टील प्लेट के आयात के लिए, र. 71,77,883 (इकत्तर लख सत्तर हजार आठ सौ तिरासी रुपये मात्र) मूल्य का एक आयात लाइसेंस सं. पी/डी/1504569, दिनांक 28-7-88 दिया गया था।

2. फर्म ने उपयुक्त आयात लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति खो गयी या गुम हो गयी है। उन्होंने आगे यह बताया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं करवाई गई है और इसलिए सीमाशुल्क प्रयोजन प्रति का बिल्कुल भी उपयोग नहीं किया गया है।

3. अपने तर्क के समर्थन में लाइसेंसधारी ने स्टाम्प पेपर पर नोटरी-पब्लिक, मद्रास के समक्ष विधिवत शपथ लेकर एक हल्फनामा प्रस्तुत किया है। तबनुसार मैं संतुष्ट हूँ कि आयात लाइसेंस सं. पी/डी/1504-569, दिनांक 28-7-88 की मूल सीमाशुल्क प्रयोजन प्रति फर्म से खो गई या गुम हो गई है। 7-12-1955 के यथासंगोहित आयात (नियंत्रण आदेश, 1955 की उपधारा 9(ग)) के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ऐक्सलस इंडिया लिमिटेड, चिंगलपुट जिला, तमिलनाडु को जारी की गई मूल सीमाशुल्क प्रयोजन प्रति सं. पी/डी/1504569, दिनांक 28-7-88 एतद्वारा रद्द की जाती है।

4. उक्त लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुलिपि प्रति फर्म को असल में जारी की जा रही है।

[सं. सपल./एस-2/139/बीजीटीडी/एएम-90/एसएसएस/472]

से. कुजुर, उप मुख्य नियंत्रक, आयात व निर्यात

#### ORDER

S.O. 2047.—M/s. Axles India Ltd., Singaperumal Koli Road, Sriperumbudur-6021105, Chingleput District Tamil Nadu were granted an import licence No. P/D/1504569 dt. 28th July, 1988 for Rs. 71,77,883 (Rupees Seventy one lakhs Seventy seven thousand Eight hundred and eighty three only) for import of Pressure Vessel Quality non-steel plate under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of Customs purposes copy of the abovementioned licence on the ground that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was not registered with any Customs Authority and as such the value of Customs purpose copy has not been utilised at all.

3. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public, Madras. I am accordingly satisfied that the original Customs Purposes copy of import licence No. P/D/1504969 dated 28th July, 1988 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7th December, 1955 as amended the said original Customs Purposes copy No. P/D/1504569 dated 28th July, 1988 issued to M/s. Axles India Ltd., Chingleput District, Tamil Nadu is hereby cancelled.

4. A duplicate Customs purposes copy of the said licence is being issued to the party separately.

[No. Suppl./S-2/139/DGTD/AM. 90|SLS|472]

S. KUJUR, Dy. Chief Controller of Imports and Exports.

#### MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 26th July, 1989

S.O. 2048.—Whereas, by the Notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3747, dated the 1st November, 1986, published in the Gazette of India, Part-II, Section 3, sub-section (ii), at page 4377, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands described in the Schedule appended to this notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act and of all other powers enabling it in this behalf, the Central Government hereby amends the Schedule appended to the said notification as follows:—

- (i) in line 6, in the sub-heading on the top right side of the Table, for "Drg. No. Rev./17/86", read "Drg. No. Rev./19/86";
- (ii) in plot numbers to be acquired in village Kuju, before "plot No. 77 (Part)", for "75 (Part)", read "76 (Part)", and for "68 (Part)", "86 (Part)", and "161 (Part)", read "78 (Part)", "96 (Part)" and "151 (Part)" respectively;
- (iii) in plot numbers to be acquired in village Pokhria, for "56 (Part)", read "46 (Part)";
- (iv) in Boundary description,—
  - (a) in line M-N, for "79", read "77" and for "adad", read "and";
  - (b) in line N-O-P, for "45", read "46" and for "19" read "18";
  - (c) in line P-Q, for "Area", read "Ara";
  - (d) in line Q-R, for "point 'B'", read "point 'R'";
  - (e) in line R-M, for "(hichofoms)", read "(which forms)", and for "point 'BM'", read "point 'M'".

Any persons interested in any land in respect of which the above amendment has been issued, may within thirty days of the issue of this notification, object to the acquisition of the whole or any part of the said land, or any right in any of such land in terms of sub-section (1) of section 8 of the said Act.

Note.—It is clarified for general information that the period of thirty days, as prescribed under section 8(1) of the said Act, starts running from the date of publication of this notification.

[No. 43015/8/85-CA/LSW]

B. B. RAO, Under Secy.

**खाद्य एवं नागरिक पूर्ति मंत्रालय**

(खाद्य विभाग)

नई दिल्ली, 10 अगस्त, 1989

का.भा. 2049.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, खाद्य और नागरिक पूर्ति मंत्रालय, खाद्य विभाग के अधीन निम्नलिखित कार्यालयों, जिनके कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिभूचित करती है :

- (1) भारतीय खाद्य निगम, जिला कार्यालय, मनमाड
- (2) भारतीय खाद्य निगम, जिला कार्यालय, बम्बई
- (3) भारतीय खाद्य निगम, जिला कार्यालय, पुणे

[संख्या ई-11017/10/89-हिन्दी]

उ.र. कुर्लेकर, निदेशक (चीनी)

**MINISTRY OF FOOD & CIVIL SUPPLIES**

(Department of Food)

New Delhi, the 10th August, 1989

S.O. 2049.—In pursuance of sub-rule 4 of rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Govt. thereby notifies the following offices under the administrative control of the Ministry of Food & Civil Supplies (Deptt. of Food), the staff whereof have acquired the working knowledge of Hindi :—

1. Food Corporation of India, Distt. Office, Manmad.
2. Food Corporation of India, Distt. Office Bombay.
3. Food Corporation of India, Distt. Office, Pune.

[No. E-11017/10/89-Hindi]

U. R. KURLEKAR, Director (Sugar)

**कृषि मंत्रालय**

(कृषि और सहकारिता विभाग)

नई दिल्ली, 24 जुलाई, 1989

का.भा. 2050.—इस विभाग के विनांक 30 अगस्त, 1988 की समस्तसूचक अधिसूचना के क्रम में और पशुधन आयात (संशोधन) अधिनियम 1953 (1953 का अधिनियम 1) द्वारा यथा संशोधित पशुधन आयात अधिनियम, 1898 (1898 का अधिनियम 9) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार एतद्वारा

यह अधिसूचित करती है कि यू.के. को पशुधन की प्रमुख प्रजातियों का भारत में आयात करने से संबंधित प्रतिबंधित देशों की सूची में हटा दिया गया है, क्योंकि उक्त देश को ओ.आई.ई. द्वारा सी.ई.एम. से मुक्त घोषित किया गया है।

[सं. 50-22/77-एल.डी.टी.-ए.क्यू]

प्रार. कंडीर, अवर सचिव

**MINISTRY OF AGRICULTURE**

(Department of Agriculture &amp; Cooperation)

New Delhi, the 24th July, 1989

S.O. 2050.—In continuation of this Department's notification of even number dated 30th August, 1988 and in exercise of the powers conferred by sub-section (i) of Section 3 of the Livestock Importation Act, 1898 (9 of 1898) as amended by Livestock Importation Amendment Act, 1953 (Act 1 of 1953) the Government of India hereby notify that the U.K. has been deleted from the list of banned countries on import into India of equine species of animals since that country has been declared free from CEM by OIE.

[No. 50-22/77-LDT-AQ]

R. KANDIR, Under Secy.

(कृषि और सहकारिता विभाग)

नई दिल्ली, 2 अगस्त, 1989

का. भा. 2051.—केन्द्रीय सरकार भारतीय पशु चिकित्सा परिषद् अधिनियम, 1984 (1984 का. 52) की धारा 4 के साथ पठित धारा 3 और भारतीय पशु चिकित्सा परिषद् नियम, 1985 के नियम, 23 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय पशु चिकित्सा परिषद् का गठन करती है, जिसमें निम्नलिखित व्यक्तियों के नाम के समने वर्णित सद्यस्यता के स्वरूप के साथ राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से परिषद् के सदस्य होंगे:—

सदस्य

सदस्यता का स्वरूप

- |   |                       |
|---|-----------------------|
| 1. डा. एस. एन. शर्मा,<br>निदेशक,<br>पशुपालन एवं चिकित्सा सेवा,<br>हरियाणा सरकार,<br>चण्डीगढ़                | धारा 3(3) (क) के अधीन |
| 2. डा. जे. मोहंती,<br>निदेशक,<br>पशुपालन एवं पशुचिकित्सा<br>सेवा,<br>उड़ीसा सरकार,<br>भुवनेश्वर।            | धारा 3(3) (क) के अधीन |
| 3. डा. पी. गोविन्दन कुट्टनी,<br>निदेशक,<br>पशुपालन एवं पशुचिकित्सा<br>सेवा,<br>केरल सरकार,<br>तिरुवनंथपुरम। | धारा 3(3) (क) के अधीन |

1	2	1	2
4. डा. राम जन्म सिंह, निदेशक, पशुपालन एवं पशुचिकित्सा सेवा, उत्तर प्रदेश सरकार, लखनऊ।	धारा 3(3) (क) के अधीन	15. डा. आर. पी. एस. थागी, सदस्य, कृषि वैज्ञानिक भर्ती बोर्ड, नई दिल्ली।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
5. डा. आर. काटुमा, निदेशक, पशुपालन एवं पशुचिकित्सा सेवा, मिजोरम सरकार, ऐणवाल।	धारा 3(3) (क) के अधीन	16. डा. ए. ग्रहनर, कुलपति, श्रीर-ए-कश्मीर कृषि विज्ञान एवं प्रौद्योगिकी विश्वविद्यालय, श्रीनगर।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
6. डा. जे. एम. निगम, संकायाध्यक्ष, पशुचिकित्सा महाविद्यालय पालमपुर, हिमाचल प्रदेश हिमाचल प्रदेश।	धारा 3(3) (ख) के अधीन	17. डा. सी. एस. सिंह, सेवा निवृत्त निदेशक, भारतीय पशुचिकित्सा अनुसंधान संस्थान, 229, बसन्त एम्प्लेक्स नई दिल्ली-110057।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
7. डा. पी. आर. जटनार, संकायाध्यक्ष, पशुचिकित्सा महाविद्यालय, बीकानेर, राजस्थान।	धारा 3(3) (ख) के अधीन	18. डा. पी. बी. कुण्डु, निदेशक, पशुचिकित्सा सेवा पश्चिम बंगाल सरकार, कलकत्ता।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
8. डा. के. एस. जोहर, संकायाध्यक्ष, पशुचिकित्सा महाविद्यालय, जबलपुर, मध्य प्रदेश।	धारा 3(3) (ख) के अधीन	19. डा. ए. एस. बागले, निदेशक, पशुपालन, गोवा।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
9. बाद में नए सदस्यों में भरे जाने के लिए खाली रखी गई है।	धारा 3(3) (ख) के अधीन	20. डा. एन. धोम्बी सिंह, निदेशक, पशुपालन, मणिपुर।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
10. डा. आर. एम. आचार्य, उप-महानिदेशक, भारतीय कृषि अनुसंधान परिषद नई दिल्ली।	धारा 3(3) (ग) के अधीन	21. डा. जेडोमेच्यु, प्रबन्धक (पशुचिकित्सा) रेनबोवसी लेबोरेट्रीज, नई दिल्ली।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
11. डा. ए. के. शर्मा, पशुपालन आयुक्त (पदेन), भारत सरकार।	धारा 3(3) (घ) के अधीन	22. डा. के. रघुनाथन, निदेशक, पशुपालन, पाकिस्तान।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन
12. डा. जे. एस. उत्पल उपायुक्त/संयुक्त आयुक्त कृषि मंत्रालय भारत सरकार।	धारा 3(3) (ङ) के अधीन	23. भागी सदस्यों को स्थान देने के उद्देश्यों से इस समय हट्टे खाली रखा जाए।	धारा 3 (3) (ख) और धारा 4 (1) के अधीन
13. डा. अब्दुल रहमान, महासचिव, भारतीय पशुचिकित्सा संगम	धारा 3 (3) (च) के अधीन	24. —सर्वैव—	—सर्वैव—
14. डा. एम. पी. जी. कुल महाप्रबन्धक, जैव-प्रौद्योगिकी राष्ट्रीय जेरी विकास बोर्ड, आमन्द।	धारा 3 (3) (छ) और धारा 4 (1) के अधीन	25. डा. एच. एस. सिन्हा अध्यक्ष, बिहार पशु- चिकित्सा, परिवद, बिहार, पटना।	धारा 3 (3) (ज) के अधीन परिवद
		26. डा. एम. एम. गोले, अध्यक्ष, सिक्किम पशु- चिकित्सा संगम सिक्किम, गंगटोक।	धारा 3 (3) (झ) के अधीन संगम,
		27. सचिव, भारतीय पशुचिकित्सा (पदेन) (इस अधिनियम की धारा 11 के उपबन्धों के अधीन परिवद द्वारा नियुक्ति किया जाना है।	धारा 3 (3) (ञ) के अधीन

[सं. 23-192/88 एन डी टी (एन एच एस)]

एन. बी. गिरी, अवसर सचिव

## (Department of Agriculture &amp; Cooperation)

New Delhi, the 2nd August, 1989

S.O. 2051—In exercise of the powers conferred by section 3 of the Indian Veterinary Council Act 1984 (52 of 1984) read with section 4 thereof and rule 23 of the Indian Veterinary Council Rules, 1985, the Central Government hereby constitute the Veterinary Council of India consisting of following persons as its members along with the nature of membership mentioned against their name with effect from the date of publication of this notification in the Official Gazette.

Member	Nature of membership
1	2
1. Dr. S.N. Sharma, Director of Animal Husbandry and Veterinary Services Government of Haryana, Chandigarh.	Under section 3(3)(a).
2. Dr. J. Mohanty, Director of Animal Husbandry, and Veterinary Services, Government of Orissa, Bhubaneswar.	Under section 3(3)(a)
3. Dr. P. Govindan Kutty, Director of Animal Husbandry and Veterinary Services Government of Kerala, Trivandrum.	Under section 3(3)(a)
4. Dr. Ram Janam Singh Director of Animal Husbandry and Veterinary Services, Government of Uttar Pradesh, Lucknow.	Under section 3(3)(a)
5. Dr. R. Kapthasama, Director of Animal Husbandry and Veterinary Services, Government of Mizoram, Aizawl.	Under section 3(3)(a)
6. Dr. J. M. Nigam, Dean, Veterinary College, Palampur, Himachal Pradesh	Under Section (33)(b)
7. Dr. P.R. Jatkar, Dean, Veterinary College, Bikaner, Rajasthan.	Under Section 3(3)(b)

Member	Nature of membership
8. Dr. K.S. Johar, Dean, Veterinary College Jabalpur, Madhya Pradesh.	Under section 3(3)(a)
9. Kept vacant to be filled later from among new entrants	Under section 3(3)(b)
10. Dr. R.M. Acharya, Deputy Director General, Indian Council of Agricultural Research, New Delhi.	Under section 3(3)(c)
11. Dr. A.K. Chatterjee, Animal Husbandry Commissioner (Ex-Officio) Government of India.	Under section 3(3)(d)
12. Dr. J. S. Uppal, Deputy Commissioner/ Joint Commissioner, Ministry of Agriculture, Government of India.	Under section 3(3)(e)
13. Dr. Abdul Rahman, General Secretary, Indian Veterinary Association	Under section 3(3)(f)
14. Dr. M.P.G. Kurup, General Manager, Bio-technology National Dairy Development Board, Anand.	Under section 3(3)(g) and section 4(I)
15. Dr. R.P.S. Tyagi, Member, Agriculture Scientist Recruitment Board, New Delhi.	Under section 3(3)(g) and section 4(I)
16. Dr. A. Ahmed, Vice-Chancellor, Sher-e-Kashmir University of Agricultural Sciences and Technology, Srinagar.	Under section 3(3)(g) and section 4(I)
17. Dr. C.M. Singh, Retired Director, Indian Veterinary Research Ins- titute, 229, Barasti Enclave, New Delhi-110057.	Under section 3(3)(g) and section 4(I)

Member	Nature of membership	में अपेक्षित आपत्तियों/सुझाव, उक्त नोटिस की तारीख के 30 दिनों की अवधि में प्रामाणित किए गए थे।
18. Dr. P.B. Kundu, Director of Veterinary Service, Government of West Bengal, Calcutta.	Under section 3(3)(g) and section 4(I)	और यतः प्रस्तावित संशोधनों के बारे में कोई आपत्तियाँ और सुझाव प्राप्त नहीं हुए हैं। अतः केन्द्रीय सरकार ने दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में संशोधन करने का निर्णय किया है।
19. Dr. A.S. Wagle, Director, Animal Husbandry, Goa.	Under section 3(3)(g) and 4(I)	अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11-ए की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत के राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दिल्ली की उक्त बृहद योजना में एतद्वारा निम्नलिखित संशोधन करती है।
20. Dr. N. Tombi Singh Director, Animal Husbandry Manipur.	Under section 3(3)(g) and section 4(I)	संशोधन :
21. Dr. Z. Methew, Manager (Veterinary) Ranbaxy Laboratories, New Delhi.	Under section 3(3)(g) and section 4(I)	“दक्षिण दिल्ली में मौजानगड़ी गांव के निकट “कृषि हरित पट्टी” के लिए निर्धारित क्षेत्र में से 100 एकड़-असरा संख्या -571 (26-16) 572 (120-0), 573 (23-17) 574 (150-00), 575 (129-11) 631 (30-00) में से “सार्वजनिक और अर्ध-सार्वजनिक सुविधाओं” (इन्दिरा गांधी राष्ट्रीय मुक्त विश्व विद्यालय) में बदलने का प्रस्ताव है”
22. Dr. K. Raghunathan, Director, Animal Husbandry, Pondicherry	Under section 3(3)(g) and section 4(I)	[संख्या के-13011/19/86-डी.डी. II ए/व ए] बी.सी. मिश्र, सैक्रेटरी
23. To be left vacant for the present in order to accommodate future entrants.	Under section 3(3)(g) and section 4(I)	MINISTRY OF URBAN DEVELOPMENT (Delhi Division)
24. —do—	—do—	New Delhi, the 31st July, 1989
25. Dr. H.S. Sinha, President Bihar Veterinary Council, Patna.	Under section 3(3)(h)	S.O. 2052.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi/Zonal Development Plan regarding the areas mentioned hereunder, were published with Notice No. F-20(11)-86-MP dated 13-8-88 in accordance with the provisions of Section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of Section 11-A of the said Act, within thirty days from the date of the said notice;
26. Dr. M. M. Golay, President, Sikkim Veterinary Association, Gangtok.	Under section 3(3)(i)	And whereas no objections and suggestions have been received with regard to the said proposed modification; and whereas the Central Government have decided to modify the Master Plan for Delhi/Zonal Development plan;
27. Secretary, Veterinary Council of India ex- officio (To be appointed by the the Council under provisions of sec- tion 11 of the Act).	Under section 3(3)(j)	Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 11-A of the said Act, the Central Government hereby makes the following modification in the said Master plan for Delhi with effect from the date of publication of this Notification in the Gazette of India.

[No. 23-192/88 LDT(LHS)]

S.V. GIRI, Addl. Secy.

## सहरी विकास मंत्रालय

(दिल्ली प्रभाग)

नई दिल्ली, 31 जुलाई, 1989

का.घा. 2052:- यहाँ भिन्नभित्त क्षेत्रों के बारे में कुछ संशोधन, जिन्हें सरकार अधिसूचित क्षेत्रों के बारे में दिल्ली बृहद योजना/क्षेत्रीय विकास योजना में प्रस्तावित करती है तथा जिसे दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 44 के उपबन्धों के अनुसार दिनांक 13-8-88 के नोटिस संख्या 20 (11) 86-एम.पी. द्वारा प्रकाशित किया गया है, जिसमें उक्त अधिनियम की धारा 11-ए की उप-धारा (3)

## MODIFICATION

“An area measuring 100 acres Khasra Nos. 571(26-16) 572 (120-0) 573(23-17) 574(150-00) 575(129-11) 631 (30-00) out of the area earmarked for ‘Agricultural Green Belt’ near village Maidan Garhi in South Delhi, is changed to ‘Public and Semi-public Facilities’ (Indira Gandhi National Open University)”.

[No. K-13011/19/86-DDJIA/VA]

B. C. SHYNGLE, Desk Officer



नई दिल्ली, 25 जुलाई, 1989

का.आ. 2053.— केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम 1948 (1948 का 34) की धारा 91 क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम प्रवर्तन में मसम हेंडो ब्राइट एण्ड हैंडलूम एक्सपोर्ट कारपोरेशन आफ इंडिया लि० के पीड सं० 2 से 5 सेक्टर 11ए, नोयडा यू० पी० और सुदर्शन बिल्डिंग, 14 बहाई - टम रोड, मद्रास, इंडियन कम्प्लेक्स मद्रास स्थित कारखाना सहित स्थित एकको में नियुक्त निम्नलिखित कर्मचारियों का 1-10-1988 से 30-9-1991 तक जिसमें दिनांक मा. सम्मिलित है अवधि के लिए छूट प्रदान करती है।

2. पूर्वाक्त छूट की शर्तें निम्नलिखित हैं अर्थात् —

- (1) पूर्वाक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पद विधान विख्यात जाएंगे ;
- (2) इस छूट के होते हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी प्रशिक्षण प्राप्त करने रहेंगे, जिसकी पात्रता के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व सम्बन्धित अधिसूचनाओं के आधार पर हकदार हो जाते ;
- (3) छूट प्राप्त अवधि के लिए यदि कोई विवरण पहले ही लिए जा चुके हों तो वे वापस नहीं किए जाएंगे ;
- (4) उक्त कारखाने का नियोजक, उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवर्तमान था (जिसे हममें इसके पश्चात् "उक्त अवधि" कहा गया है), ऐसी विवरणियाँ ऐसे प्राप्ति में और ऐसी विशिष्टियों सहित देगा जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी ;
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उप-धारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी :—
  - (i) धारा 44 की उप-धारा (1) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणों की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ,
  - (ii) यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथा अपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए, रखे गये थे या नहीं ; या
  - (iii) यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके प्रति फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, तत्काल में और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं ;
  - (iv) यह अधिनियमित करने के प्रयोजनार्थ कि उस अवधि के दौरान, जब उक्त कारखाने के संबंध में अधिनियम के उपबन्ध प्रवृत्त थे, ऐसे किन्हीं उपबन्धों का अनुपालन किया गया था या नहीं ;

निम्नलिखित कार्य करने के लिए मशकत होगी :—

- (क) प्रधान या अध्यक्षित नियोजक से अपेक्षा करने की वह उसे ऐसी जानकारी दे जिसे उपरोक्त निरीक्षक या अन्य पदधारी आवश्यक समझता है ;

(ख) ऐसे प्रधान या अध्यक्षित नियोजक के अधिकारक्षीय किसी कारखाने स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रबन्धों से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहिया और अन्य दस्तावेज, ऐसे निरीक्षक या पदधारी के समक्ष प्रस्तुत करे और उनको परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक समझते हैं ; या

(ग) प्रधान या अध्यक्षित नियोजक को, उसके अधिकारी या सेवक या ऐसे किसी व्यक्ति को जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए, या ऐसे किसी व्यक्ति को जिसको बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना ; या

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल तैयार करना या उससे उद्धरण लेना ।

[संख्या एस-38014/21/89-एस.एस-1]

स्पष्टीकरण प्राप्त

इस मामले में छूट को भूलक्षी प्रभाव देना आवश्यक हो गया है क्योंकि छूट के आवेदन पत्र धरी से प्राप्त हुआ था । किन्तु यह प्रमाणित किया जाता है कि छूट को भूलक्षी प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा ।

New Delhi, the 25th July, 1989

S.O. 2053.—In exercise of the power conferred by section 88 read with section 91A of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of the units of M/s. Handicrafts & Handloom Exports Corporation of India, Ltd., New Delhi located at (i) shed No. 2 to 5 Sectors 11A, Noida (UP) and (ii) Sudarshan Building 14A White Road, Madras with factory at Guindy Industrial Complex, Madras from the operation of the said Act for a period with effect from 1st October, 1988 upto and inclusive of the 30th September, 1991.

The above exemption is subject to the following conditions, namely:—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purpose of—
  - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

- (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to :—
- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
- (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

(F. No. S-38014/21/89-SS.D)

## EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

नई दिल्ली 8 अगस्त, 1989

का.प्र. 2054:—तमिलनाडु राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ब) के अनुसरण में श्री जे.टी.प्राचीवल के स्थान पर श्री एम. वेंकाटाचलम, सचिव तमिलनाडु राज्य सरकार, श्रम और रोजगार विभाग को कर्मचारी राज्य बीमा निगम में उस राज्य को प्रतिनिधित्व करने के लिए नाम निर्दिष्ट किया है ;

प्रतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.प्र. 545 (अ) दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करने है, अर्थात् :—

उक्त अधिसूचना में, "(राज्य सरकार द्वारा धारा 4 के खण्ड (ब) के अर्थों में नामनिर्दिष्ट)" शीर्षक के नीचे मद्ध 24 के मापने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जायेगी, अर्थात् :—

श्री एम. वेंकाटाचलम  
सचिव, तमिलनाडु राज्य सरकार  
श्रम एवं रोजगार विभाग  
मद्रास

[संख्या यू-16012/8/87-एम.एस. I)]

ए. के. मट्टागार्ड, अवर सचिव

New Delhi, the 8th August, 1989

S.O. 2054.—Whereas the State Government of Tamil Nadu has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), nominated Shri M. Venkatachalam, Secretary to Govt. of Tamil Nadu, Labour & Employment Department to represent that State on the Employees' State Insurance Corporation, in place of Shri J. T. Acharyulu;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545 (E), dated the 25th July, 1985, namely:—

In the said notification, under the heading "(Nominated by the State Government under clause (d) of section 4)" for the entry against Serial Number 24, the following entry shall be substituted, namely :—

Shri M. Venkatachalam,  
Secretary to the Govt. of Tamil Nadu,  
Labour & Employment Department,  
Madras.

[No. U-16012/8/87-SS-I]  
A. K. BHATTARAI, Under Secy.

नई दिल्ली, दिनांक 3 अगस्त, 1989

का.प्र. 2055:—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार, श्रम मंत्रालय, उत्प्रवासी संरक्षी मद्रास के कार्यालय में सहायक के पद पर कार्यरत श्री आर. देसिपराजन को 25-7-89 से 4-8-89 तक की अवधि के दौरान उत्प्रवास संरक्षी कार्यालय मद्रास के सभी कार्य करने के लिए प्राधिकृत करती है ।

[संख्या ए-22012/1/89-उत्प्रवास]

New Delhi, the 3rd August, 1989

S.O. 2055.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri R. Desingrajan, Assistant in the office of the Protector of Emigrants to perform all functions of the Protector of Emigrants, Madras in the office of the Protector of Emigrants, Madras during the period from 25-7-89 to 4-8-89.

[No. A-22012/1/89-Emig.]

नई दिल्ली, 14 अगस्त, 1989

का. प्र. 2056:—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार उत्प्रवासी संरक्षी कार्यालय, त्रिवेन्द्रम में कार्यरत श्रीमती टेसी जॉर्ज, सहायक को दिनांक 10-8-89 से 15-9-89 तक की अवधि के लिए उत्प्रवासी संरक्षी त्रिवेन्द्रम के सभी कार्य करने के लिए प्राधिकृत करती है ।

[सं. ए-22012/(1)/89-उत्प्रवास]

प्रदीप सिंह, अवर सचिव

New Delhi, the 14th August, 1989

S.O. 2056.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Smt. Tessa George, Assistant in the office of the Protector of Emigrants, Trivandrum to perform all functions of the Protector of Emigrants in the office of the Protector of Emigrants, Trivandrum during the period from 10-8-89 to 15-9-89.

[No. A-22012/1/89-Emig.]  
PRADEEP SINGH, Under Secy.

नई दिल्ली, 1 अगस्त, 1989

का. मा. 2057—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केंद्रीय सरकार, नससं डाटा मायर्स एण्ड स्टील कम्पनी लिमिटेड को वेस्ट बोकारो कोलियरी के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पचाट को प्रकाशित करता है।

New Delhi, the 1st August, 1989

S.O. 2057.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the Management of West Bokaro Colliery of Tata Iron and Steel Company Limited and their workmen.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

## PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 38 of 1976

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

## PARTIES :

Employers in relation to the management of West Bokaro Colliery of Tata Iron and Steel Company Limited and their workmen.

## APPEARANCES :

On behalf of the workmen : Shri B. Lal, Advocate.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 4th July, 1989

## AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/216/76/D.III(A) dated, the 9th November, 1976.

## SCHEDULE

"Whether the action of the management of West Bokaro Colliery of Tata Iron and Steel Company Limited, at and Post Office Ghatotand, District Hazaribagh in dismissing Sri Manas Kumar Bose, Electro Mechanic with effect from the 19th May, 1976 is justified? If not, to what relief is the said workman entitled?"

This case was originally received by this Tribunal on 12th November, 1976 and registered as Ref. No. 38/76. Thereafter it was transferred to the Central Government Industrial Tribunal No. 3, Dhanbad and registered there as Ref. No. 55 of 1977 on 4-4-79. It was again transferred to this Tribunal and registered as Ref. No. 65/79 on 7-7-79. This Tribunal passed an Award dated 27-10-80 answering the reference in favour of the management of the West Bokaro Colliery of Tisco. Ltd. It was held in the Award that the action of the management in dismissing the concerned workman with effect from 19-5-76 was justified and that the concerned workman was not entitled to any relief. The concerned workman went in Writ before the Hon'ble Patna High Court, Ranchi Bench and it was numbered as 320 of 1981 (R). By the order dated 6-9-1988 his Lordship quashed the Award of this Tribunal dated 27-10-80 and the matter has been remanded to this Tribunal to dispose off the same in accordance with the direction contained in the judgement. His Lordship directed to reconsider the case of

the concerned workman under the provision of Section 11A of the I.D. Act holding that the punishment of dismissal of the concerned workman from service is too severe and disproportionate having regard to the nature of the misconduct alleged. His Lordship further directed that the Tribunal should consider all the facts and circumstances of the case and after hearing the parties pass an appropriate order. There was no direction to allow the parties to adduce any further evidence in the case.

The concerned workman Shri Manas Kumar Bose was working as an Electro Mechanic in West Bokaro colliery of Tisco. Ltd. It was alleged that he had led an agitation of Hindu workers of the colliery against the proposal of the Muslim community of the colliery to construct a mosque or imambara by the side of the main road. A petition objecting to the Mosque/Imambara was sent to the Dy. Commissioner and S.P. in which the concerned workman was the first signatory. Pursuant to the aforesaid objection raised by the workmen the Dy. Supdt. of Police visited the colliery on 28-12-75 and recorded the statement of various witnesses including the statement of the concerned workman. Shri B. S. Rao, Divisional Manager of the colliery was apprised of the agitational situation by the Government authorities and as such on 17-1-76 at about 8.00 A.M. Shri Rao called the concerned workman to his office Chamber to ascertain as to why such an attitude had been taken by some of the workmen. The concerned workman told Shri Rao that he had made no allegation against the management and he had simply signed a blank paper which was used by some mischievous person. The concerned workman was asked to disclose the name of those persons but the concerned workman refused to disclose their names. Shri V. R. Kochhar, Chief Engineer was also present with Shri Rao at that time who intervened and explained to the concerned workman that he should not have signed on a blank paper. The allegation against the concerned workman is that although nothing untoward had happened in the course of discussion between the Divisional Manager, Chief Engineer and the concerned workman, a false rumour was spread by the concerned workman that Shri Kochhar had abused him saying "BLOODY BASTARD THEN WHY DID YOU SIGN THE PETITION". It is also alleged that the concerned workman sent a petition to the Dy. Commissioner as well as the Minister of Home Affairs, Central Government making the said allegation against Shri Kochhar. Under the circumstances the management drew up a proceeding for misconduct against the concerned workman after framing charge of misconduct. A departmental proceeding was conducted by Shri S. C. Prasad Chief Personnel and Welfare Officer. The concerned workman attended the departmental enquiry and cross-examined the management's witnesses and also gave his statement and examined witnesses in his defence. After completing the enquiry the Enquiry Officer submitted his enquiry report holding the concerned workman guilty of the charge and on its basis the concerned workman was dismissed from service with effect from 19-5-76. An Industrial dispute was raised by the concerned workman under Section 2A of the I.D. Act and after the conciliation having failed before the ALCC, Dhanbad. The present reference was made to this Tribunal for adjudication.

The case of the concerned workman is that he was Secretary of the Local Youth Congress. In this capacity he had to look after the social work in the area. A section of Officers of the company specially, the Chief Mining Engineer, V. R. Kochhar was not happy with him. Some Muslim employees of the colliery wanted to construct a Mosque/Imambara by the side of the main road. On 4-12-75 there was a meeting of the Hindu committee in the temple. On 28-12-75 the D.S.P. visited the place and recorded the statement of the concerned workman. On 17-1-76 at 8.00 A.M. Shri B. S. Rao, Divisional Manager of the colliery called him and asked him to give the names of the persons who were carrying on agitation to which the concerned workman pleaded ignorance. It is alleged by the concerned workman that Shri V. R. Kochhar, Chief Mining Engineer who was present there abused him using the expression "BLOODY BASTARD". The matter was brought to the notice of the District authorities as well as the Divisional Commissioner. The management just to put the concerned workman in trouble issued a charge sheet dated 6-3-76 alleging that the concerned workman had been spread-

ing rumour falsely against Shri Kochhar. The concerned workman denied the said allegation in his reply to the chargesheet. A departmental enquiry was conducted into the charges. The concerned workman was not given full opportunity to adduce his own evidence and to examine his further defence witness. The enquiry officer was subordinate to the Divisional Manager and Shri Kochhar and although there was no material to hold the concerned workman guilty, the enquiry officer held him guilty in the enquiry report and on the basis of the said enquiry report the concerned workman was dismissed from service with effect from 19-5-76.

By the order dated 13-4-78 preliminary issue was decided holding that the enquiry held against the concerned workman was fair, proper and in accordance with the principles of natural justice.

The points for decision are (1) whether Shri Kochhar had said "Bloody Bastard" to the concerned workman, (2) whether the charge levelled against the concerned workman was established (3) what should be the quantum of punishment if it is held that the charge against the concerned workman was established.

The management placed all the papers in connection with the enquiry proceeding and they are marked Ext. M-1 to M-14 in this case. The documents of the workmen were marked Ext. W-1 to W-24.

#### Point No. 1 and 2

These points have been taken up together as they are inter linked.

It will appear from the evidence in the case that the Hindu community was opposing the construction of the Mosque/Imambara by the side of the road and there were much agitation over the said matter. Ext. M-3 dated 20-1-1976 is a letter from the concerned workman to the Commissioner, Chhotanagpur Division, North. It will appear from the said letter that the concerned workman described the conversation between him and the Divisional Manager in presence of the Chief Engineer, Shri Kochhar. He has stated that at the time of the said conversation the Divisional Manager forced him to point out the name of the persons who are leading the agitation and had posted the letter to the Commissioner, Chhotanagpur, Division. He has stated in the said letter that he got a threatening from the Divisional Manager that he will have to lose his services if he did not tell all the facts and the Divisional Manager asked him to submit an application stating all the facts. It is further stated by the concerned workman in the said letter that while talking with the Divisional Manager when he denied to disclose the names of the actual person the Chief Engineer Shri Kochhar abused him saying "Bloody Bastard, then why have you signed off the petition." Ext. M-5 is another letter dated 31-3-76 by the concerned workman to the Manager, West Bokaro Colliery Tisco, at page 5 of Ext. M-5 the concerned workman admitted that he had addressed a letter on 2-1-76 to the Commissioner, Chhotanagpur Division, regarding the facts that were going on in the Colliery besides the incident leading to the uttering of the abuse "Bloody Bastard" by Shri Kochhar. It is also admitted in Ext. M-5 that he addressed a copy of the letter dated 2-1-76 to the Dy. Commissioner, Hazaribagh, RLC (C), Dhanbad and many others besides the Home Minister of the Ministry of Home Affairs, Government of India. He has asserted that there was no false complaint made by the concerned workman and that the facts stated in the complaint were true and correct. It will thus appear that admittedly the concerned workman was attributing to Shri Kochhar that he had called the concerned workman "Bloody Bastard".

Shri Rao was examined before the Enquiry Officer. Shri Rao stated before the enquiry officer that Shri Kochhar had not abused the concerned workman as "Bloody Bastard" Shri Kochhar was also examined by the enquiry officer who had also denied to have used the said words to the concerned workman. Shri B. K. Guin, Agent and Shri N. B. Mitra Asstt. Chief Mining Engineer have stated that on 19-1-76 when Shri M. K. Bose was complaining to Shri Rao that he was called "Bloody bastard" by Shri Kochhar, Shri Rao had told at that very moment that it was not correct. Had the concerned workman been abused by Shri Kochhar as being

alleged by the concerned workman, the concerned workman would not have kept quiet and there would have been no occasion to complain before Shri Rao on 19-1-76 by the concerned workman. The concerned workman would have started complaining against Shri Kochhar soon after he had left the meeting in the room of Shri Rao on 17-1-76. The concerned workman examined Shri Mahindra Singh before the Enquiry Officer. The concerned workman had taken Shri Mahindra Singh to the Officer of the Divisional Manager at the time the concerned workman was called on 17-1-76. From the statement it appears that Shri Mahendra stood outside the room at a distance of about 4 feet and had not heard any other talk except the expression "Bloody bastard". There was no reason as to why the concerned workman had taken Mahendra Singh along with him when the Divisional Manager had called the concerned workman in his office, and had asked Shri Mahendra Singh to wait outside the room so that he may over hear the talk inside the room between the Divisional Manager and the concerned workman and Shri Kochhar. The circumstances under which the concerned workman is alleged to have taken Mahendra Singh along with him at the time he was called by the Divisional Manager is not at all convincing and it appears that Shri Mahendra Singh gave his statement before the enquiry officer in order to save the concerned workman. The evidence of Kamlesh Prasad who examined as a defence witness rather established the fact that the concerned workman was spreading the rumour that Shri Kochhar had abused him by saying "Bloody Bastard." The management had examined Shri S. K. Sinha, Sr. Security Inspector, Shri M. Murtaza, Welfare Officer who also deposed about the false rumour being spread by the concerned workman about the alleged abusive language used by Shri Kochhar. I do not see any reason as to why Shri Kochhar or Shri Rao or even Shri Guin and Shri Mitra and others would depose falsely against the concerned workman. In my opinion the evidence of the witnesses before the Enquiry Officer establishes the fact that Shri Kochhar had not abused the concerned workman by saying bloody bastard.

In view of the above discussions I hold although Shri Kochhar had not abused the concerned workman by saying him as "Bloody Bastard" on 17-1-76, the concerned workman was falsely spreading rumour and had addressed letters to higher official of the Executive department alleging that Shri Kochhar had abused him by saying "Bloody Bastard." These two points are decided against the concerned workman.

#### Point No. 3

The chargesheet Ext. M-1 shows that the concerned workman was charged for misconduct under clause 27(19) of the Standing Orders. Ext. M-9 is the Standing Orders for Coal Mining Industry under which the concerned workman was charged. Clause 27(19) is as follows :—

"Any breach of Indian Mines Act or any other Act or of any rules bye-laws thereunder or of Standing Orders."

The said clause of the Standing Orders is not the appropriate clause of misconduct to cover the allegation made against the concerned workman in the charge Ext. M-1. Clause 27(14) shows that writing of unanimous letter criticising the superior officer of the company is a misconduct. The allegation made against the concerned workman may be covered to a large extent under clause 19(14) of the Standing Order. The letter written by the concerned workman making false allegation against Shri Kochhar was not a unanimous. Reliance is placed on behalf of the management on a case reported in 1971(2) Factories and Labour reports page 53 wherein it is stated that making false and defamatory allegation against the management by an employee would amount to an act subversive of discipline and would amount to misconduct. As already discussed above it will appear that the concerned workman was making false documentary allegation against Shri Kochhar who was a Chief Engineer of the management and was certainly a part of the management. It is clear therefore that the concerned workman had committed misconduct by making false and defamatory allegation against Shri Kochhar a Chief Engineer of the management and this would certainly amount to an act subversive of discipline amounting to misconduct. Thus the charge of misconduct against the concerned workman appears to have been established.

It has already been held by his Lordship in the Order passed in CWJC 320 of 1981 (R) dated 14-1-89 that the punishment of dismissal of the concerned workman from service is too severe and disproportionate having regard to the nature of the misconduct alleged. Indeed the punishment of dismissal of the concerned workman from service is too severe and drastic having regard to the nature of misconduct alleged against the concerned workman and the punishment of dismissal from service was not the appropriate punishment to be inflicted upon him. The concerned workman as dismissed from service with effect from 19-5-76 and since then he is idle. A long period of about 13 years has passed since the dismissal of the concerned workman and he is out of service. Considering his mental agony for such a long period and having regard to the nature of the misconduct alleged I think non-payment of the wages of the concerned workman for the period since the date of his dismissal from service will be quite sufficient punishment and any punishment other than that would not be proportionate to the alleged misconduct. The order of his Lordship in CWJC No. 321 of 1981(R) shows that the management was directed to pay a lump sum of Rs. 10,000 to the concerned workman and that in case back wages are not awarded to the concerned workman after his reinstatement, the management shall not recover the said amount from the concerned workman. As such the concerned workman will not be entitled to any arrears of wages from the date of his dismissal to the date of his reinstatement except the amount of Rs. 10,000 which was ordered by his Lordship to be paid to him by the management.

In the result, I hold that the action of the management of West Bokara Colliery of M/s. Tisco Ltd. in dismissing the concerned Shri Manas Kumar Bose with effect from 19-5-76 is not justified although the management was justified in holding the concerned workman guilty of the misconduct alleged. The management is directed to reinstate the concerned workman within one month from the date of publication of the Award. However, the concerned workman will be entitled to continuity of his service but will not be entitled to the arrears of wages from the date of his dismissal to the date of his reinstatement.

I. N. SINHA, Presiding Officer

[No. 20012(216)/76-D.III(A)/IR (C-I)]

नई दिल्ली, 4 अगस्त, 1989

का.प्र. 2058.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 में अनुसूचन में केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड को गोविन्दपुर क्षेत्र सं. 3 के प्रबंध तंत्र से सम्बद्ध नियोजकों और कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचाट को प्रकाशित करती है।

New Delhi, the 4th August, 1989

S.O. 2058.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Govindpur Area No. III of M/s. Bharat Coking Coal Limited and their workmen which was received by the Central Government.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 18 of 1986

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES

Employers in relation to the management of Govindpur Area No. III of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary Bihar Colliery Kamgar Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 21st June, 1989

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(132)/85-D.III(A), dated, the 6th January, 1988.

SCHEDULE

"Whether the action of the management of Govindpur Area No. III of M/s. Bharat Coking Coal Limited in not giving promotion to Shri S. C. Pathak as Grade I Clerk w.e.f. 1-3-1980 as also in not regularising Shri S. C. Pathak as Store Keeper w.e.f. 6-3-1984 is justified? If not, to what relief the workman is entitled?"

In this case both the parties appeared and filed their respective W.S. documents etc. Thereafter the case proceeded along its course. Subsequently at the stage of oral evidence both the parties appeared before me and filed a Joint Compromise Petition under their signature. I heard them on the said petition of compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer

[No. L-20012(132)/85-D.III(A)/IR(C-I)]

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II

DHANBAD

Reference No. 18/86

Employers in relation to the management of Govindpur Area No. III of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen.

Joint Compromise Petition of Employers and Workman

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That, the Central Government by notification No. 20012(132)/85-D.III (A) dated 6th January 1986 has been pleaded to refer the present dispute on the following issue :—

"SCHEDULE"

"Whether the action of the management of Govindpur Area No. III of M/s. Bharat Coking Coal Limited in not giving promotion to Shri S. C. Pathak as Grade-I Clerk with effect from 1-3-80 as also in not regularising Shri S. C. Pathak, as Store Keeper with effect from 6-3-84 is justified? If not, to what relief the workman is entitled?"

2. That, without prejudice to the respective contention of the parties, the dispute has been amicably settled on the following terms :—

TERS OF SETTLEMENT

(1) That the concerned workman Shri S. C. Pathak has already been promoted from Grade-II to Grade-I by promotion order dated 3-4-89 during the pendency of the present dispute on his demand for regularisa-

tion on Grade-I and as such his demand for regularisation is not pressed for.

- (2) That the concerned workman will be given notional seniority in Grade-I with effect from 6-3-84 considering his posting on Grade-I jobs from that date as Store Keeper.
- (3) That the concerned workman will not claim any difference of wages between Grade-I and Grade-II for the period between 6-3-84 to 1-4-89. He will not raise any dispute in future relating to his fixation in Grade-I with effect from 1-4-89.
- (4) That the concerned workman accepts the terms of settlement with his own violation after fully understanding the same.

3. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleaded to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Employers :

(S. N. P. RAI)

General Manager

(S. P. SINGH)

Personnel Manager

For the Workman :

(D. MNKHERJEE)

Secretary

Bihar Colliery Kamgar Union

(S. C. PATHAK)

Concerned Workman.

Witnesses :

1. (M. MISHRA)

2. (S. S. PRASAD)

3. (S. K. OJHA)

का.प्र. 2059:— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय, में केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धन सख्ख निवेशकों और उनके कर्मचारों के बीच, अन्वयधमे निश्चित औद्योगिक विवाद में के द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-7-1989 को प्राप्त हुआ था ।

S.O. 2059.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Bharat Coking Coal Limited, Koyla Bhawan, Dhanbad and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 59 of 1986

In the matter of an industrial dispute under section 10(1)(d) of the I.D. Act., 1947.

PARTIES :

Employers in relation to the management of M/s. Bharat Coking Coal Ltd., Koyala Bhawan, Dhanbad and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. D. Lal, Advocate.

On behalf of the employers—Shri R. S. Murthy, Advocate

STATE : Bihar

INDUSTRY : Coal

Dated, the 30th June, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(211)/85-D. III(A), dated, the 30th January, 1986.

SCHEDULE

"Whether the action of the management of M/s. Bharat Coking Coal Ltd., Koyala Bhawan, Dhanbad in denying Technical and Supervisory Grade-B to their workman in the Telecommunication Department, Shri D. B. Chatterjee is justified? If not, to what relief the workman is entitled?"

The case of the workmen is that the concerned workman Shri D. B. Chatterjee was working as a Mechanic in Cat. IV in the Telecommunication section of the Head office of BCCL in Koyala Bhawan. He was appointed as such on 10-9-81. He is a diploma holder in mechanical engineering and had practical training from Post and Telegraph department at the time of his appointment. There is no other person in the telecommunication department who holds a diploma in engineering. The mechanic post of Telecommunication department of M/s. BCCL is entrusted with the job "Maintenance, repair and testing of different types of telephone exchange carry out battery charging, maintenance and repair of power supply system." The duties of the Foreman of Telecommunication department of M/s. BCCL is "Installation and commissioning of all types of communications and electrical system both surface and underground their day to day engineering, maintenance and repair, supervisory duties and co-ordination of preventive maintenance/repair of any communication and electronics equipment, instructional duties at training institute." Although the concerned workman was appointed and designated as mechanic, he had to discharge the responsibilities of Foreman in the Telecommunication department. The RAX lines at Koyala Nagar, Koyala Bhawan of BCCL were installed under the supervision of the concerned workman. He also used to act as Foreman incharge from time to time during the absence of Foreman incharge as the concerned workman was the only qualified and experienced person in the department capable of taking the responsibilities of Foreman incharge. The management of M/s. BCCL did not put the concerned workman in the category of Foreman although he was being taken the services of Foreman. The concerned workman made representation to the authorities concerned and the authorities being fully satisfied from his service referred the matter to the Dy. C.P.M. (NEE) of M/s. BCCL for issue of office order placing the concerned workman in Technical Grade-B. The Personnel Manager NEE also requested the Chief Engineer (E & M) Koyala Bhawan to regularise the service of the concerned workman but the management refused to put the concerned workman in Cat. B as mentioned in categorisation and job description of telecommunication department. The action of the management in not putting the concerned workman in Cat. B of categorisation and job description of telecommunication department of BCCL is illegal and unjustified. On the above facts it has been prayed that the concerned workman be placed in Cat. B with retrospective effect.

The case of the management is that the Telecommunication section of the Head Office of BCCL in Koyala Bhawan, is concerned only with RAX telecommunication system where the concerned workman was working as Mechanic in Cat. IV. The sponsoring union vide its letter dated 22nd March, 1985 raised the purported dispute before the ALC(C), Dhanbad claiming that vide management's order dated 7th February, 1984 the concerned workman should be regularised in Technical Grade-B as a Foreman. The said claim is contested by the management. The circular dated 7th February, 1984 is not applicable in the case of the concerned workman.

The said circular related to (1) those having 3 years diploma course in mechanical engineering/automobile engineering and recruited as Technical Apprentice for 2 years either under the Management's training programme or under the provisions of the Apprenticeship (Amended) Act, 1973, after successful completion of training or apprenticeship. (2) those diploma holders who were drawing Rs. 572 per month as stipend in the second year of training at the time of issue of this circular, after successful completion of their training. (3) those diploma holders in mechanical/automobile engineering who were working as Asstt. Foreman. They were to be redesignated as Foreman in Technical and Supervisory Grade-B at the time of issue of the circular dated 7th February, 1984. The case of the concerned workman did not fall under any of the 3 above categories. He was neither recruited as trainee nor as an apprentice. He was also not a trainee at the relevant time nor he was an Asstt. Foreman at the time of the issue of the circular. The concerned workman was working as Mechanic Fitter in Cat. IV at the time of the issue of the circular in which capacity he was still working. The Joint Bipartite Committee for the Coal Industry had laid down vide implementation instruction No. 43 dated 19th March, 1985 job description and categorisation in respect of telecommunication personnel and even on that basis the concerned workman cannot claim any benefit. The sponsoring union has now taken a completely different stand in the W.S. filed in this case from the case he had made out before the ALC(C). Dhanbad at the time of raising the industrial dispute. The concerned workman is working as a Mechanic in the telecommunication section and is discharging the duties of mechanic only. He does not possess a diploma in the Telecommunication engineering and on this ground also he cannot claim anything more than what he is already getting. On the above facts it is submitted that the concerned workman was rightly placed in Cat. IV and he is not entitled to technical and supervisory grade-B in the Telecommunication department.

The point for consideration is whether the concerned workman is entitled for Technical and Supervisory Grade-B in the Telecommunication department.

The management examined 2 witnesses and the workmen examined one witness in support of their respective case. The documents of the management are marked Ext. M-1 to M-3 and the documents of the workmen are marked Ext. W-1 to W-14.

Admittedly the concerned workman was appointed as a Mechanic in the Telecommunication department at the head quarters of BCCL and was placed in Cat. IV so far his qualification is concerned it is not denied. Admittedly, he has passed the Higher Secondary examination in 1971 vide Ext. W-2 and passed the licentiate examination in Mechanical Engineering from the State Council for Engineering and Technical Education, West Bengal in March, 1975. His claim for Technical and Supervisory Grade-B stands on 2 footings. Firstly, his claim is that in accordance with the circular dated 7th February, 1984 he deserves to be regularised in Technical Grade-B with effect from 3rd December, 1983. The other ground is that although he was designated as Mechanic he was actually performing the duties of Foreman and as such he should be regularised in Technical and Supervisory Grade-B.

In order to appreciate his first ground of which the concerned workman bases his claim we have to look to the circular dated 7th February, 1984 which is marked Ext. W-5 in the case. This Ext. W-5 relates to the cadre scheme/promotion policy with regard to the diploma holder in mechanical/electrical/automobile and civil engineering 3 years diploma course. Admittedly, the management's witness MW1 has stated that the duration of training for diploma of mechanical engineering obtained by the concerned workman was 3 years. Thus he was a diploma holder in mechanical engineering having 3 years diploma course. Now let us see if the said cadre scheme/promotion policy is applicable in the case of the concerned workman so as to provide him with Technical Grade-B. On reading of the circular it will appear that this is a cadre scheme in respect of those diploma holders who are to be recruited as Technician apprentice for 2 years on consolidated stipend of Rs. 450 per month and Rs. 500 only per month for the first and second year respectively. Such apprentice or trainee shall either be recruited under the provision of the Apprentices Act, 1973 or under the Com-

pany's own training programme to fill in the vacancies. The apprentices/trainees on completion of 2 years full term training and on having declared successful in the trade test/interview is to be regularised in Technical Grade-B. The other group is of diploma holders who are at present drawing Rs. 572 per month as a stipend for the second year of training and after successful completion of full term training of 2 years they will be regularised on the basis of their performance appraisal report and having found successful in the trade test/interview and then they will be placed in Technical Grade-B. The 3rd set is that of diploma holders in mechanical engineering working as Asstt. Foreman who were to be re-designated as Foreman in the Technical and Supervisory Grade-B but they will not be paid any arrears or any seniority. On consideration of the W.S. of the workmen and the evidence of the concerned workman himself it will appear that his case is not covered by circular Ext. W-5, the relevant provision of which I have stated above. In my opinion, the concerned workman is not entitled to the benefit of the circular Ext. W-5 as he was a mere mechanic at the time when the circular came into force and he was not recruited as Technician apprentice.

The other basis of claim of the concerned workman is that although he was a mechanic, he was actually performing the duties of a Foreman. Implementation Instruction 43 of JBCCI deals with the job description and categorisation of telecommunication personnel. The job description of telecommunication mechanic technical Grade-D is "maintenance repair and testing of different types of telecommunication exchange and telephones, carry out battery charging, maintenance and repair of power supply system". The job description of Foreman in Technical Grade-B is "Installation and commissioning of all types of communication and electric system both on surface and underground, their day to day engineering maintenance and repair, supervisory duties and coordination of preventive maintenance/repair of any communication and electronic equipment, instructional duties at training institute." WW-1 stated that as Mechanic he is doing battery installation, exchange installation, exchange maintenance exchange preventive measures and fault rectification etc. He has stated that there is no Foreman above him. He also works as Foreman. He has stated that in 1984 a circular had been issued for giving Technical Grade-B to all the Diploma holders of Electrical, Mechanical and Civil Engineering. On comparison of the duties being performed by the concerned workman as stated by him as WW-1, it appears that he was not doing any supervisory duty and coordination of preventive maintenance/repair of any communication and electronic equipment and he also does not do instructional duties at training institute. The job which is performed by the concerned workman as stated by him is the job of Telecom mechanic of Technical Grade-D. MW-1 Shri S. K. Ghosh is presently working as Dy. Chief Engineer Telecommunication since 1981 and is head of the Telecommunication department. He has stated that in the head quarters at Koyalnagar they had the telecommunication wing for their internal telecommunication and he is the immediate incharge of the said internal telecommunication at the headquarters. He has stated that there are mechanics under the Foreman incharge and that the concerned workman is one of the mechanics working there. He has stated that the Mechanics have to do the job of repair and maintenance of the telecommunication system. He has denied that the concerned workman was discharging the duties of Foreman and has clearly stated that the concerned workman was discharging the duties of mechanic. He has denied that the concerned workman had supervised the establishment of RAX (internal communication) and that the said installation was established by Indian Telephone Industries who had supplied the equipment. Ext. W-7 is the acceptance memo dated 5th December, 1983 which shows that MW-1 was present at the final test of the installation testing and commissioning of the line at Koyala Bhawan Koyala Nagar and he had certified that the system was well installed and working satisfactorily and was accepted by him. In this Ext. W-7 the concerned workman has made a note that he had tested installation on 29th December, 1983. This note of the concerned workman will not show that he had supervised the work of installation. MW-1 has clearly stated that it was the supplier of equipment which had installed and supervised the telecommunication system and that the Technical staff of the supplier came for installing the telecommunication system. MW-1 has stated that it cannot be said on the basis of the note of the concerned workman in



Ext. W-7 that the concerned workman had worked as Foreman. The concerned workman has not produced any order to show that he was every ordered or authorised to work as a Foreman. However, the concerned workman has filed Ext. W-8 which is a letter dated 16th March, 1984 from the Personnel Manager to the Chief Engineering (E&M), Koyala Bhawan. It is regarding the case of the concerned workman a copy of the circular dated 7th February, 1984 was enclosed alongwith Ext. W-8 to the Chief Engineer and was requested to take necessary action to implement the decision taken by the management by regularising the concerned workman as Foreman in Technical Grade-B. Ext. W-11 dated 14th March, 1984 is a letter from S. K. Ghosh Chief Engineer (MW-1) to the Dy. C. P. M. (NEE) Karmik Bhawan by which the Chief Engineer had forwarded the representation received from the concerned workman and requested to arrange to issue office order placing the concerned workman in Technical Grade-B as per BCCL rules. These are the two letters on which the concerned workman banks for his promotion to Technical Grade-B. The correspondence for giving Technical Grade-B to the concerned workman in these letters has its foundation in the provision of the Circular Ext. W-5 dated 7th February, 1984 and if the said circular is not applicable in the case of the concerned workman, the mere recommendation of the officers for considering and giving technical Grade-B to the concerned workman will not be enough compliance of the provision of the circular Ext. W-5.

Thus we find from the evidence in the case that the case of the concerned workman is neither covered by the circular Ext. W-5 dated 7th February, 1984 nor the job being performed by him was that of Foreman. On the contrary the evidence as disclosed by the concerned workman himself as WW-1 shows that he was actually discharging the duties of a Mechanic for which he has subsequently been recategorised in Technical Grade-D.

The concerned workman as well as MW-1 almost agree to the cadre scheme of the telecommunication personnel. They admit that the promotional channel is from Technical Grade-D to Asstt. Foreman Technical Grade-C and then to Foreman in Technical Grade-B and finally as Foreman incharge in Technical Grade-A. The promotion from Technical Grade-D to Technical Grade-C is through DPC. As the concerned workman is in Technical Grade-D his promotional channel will be in Technical Grade-C and then to Technical Grade-B and for that the promotion has to be made by the D.P.C. I think the experience and qualifications of the concerned workman will certainly be considered at the time when the DPC takes up the question of promotion of Mechanics in Technical Grade-D to the post of Asstt. Foreman Technical Grade-C. But for the present I do not think that the concerned workman can be straightway placed in Technical Grade-B by this Tribunal.

In the result, I hold that the action of the management of M/s. BCCL in denying technical and supervisory Grade-B to the concerned workman is justified and the concerned workman is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer  
[No. L-20012(211)/85-D. III(A)/IR (C-D)]

का.प्र. 2060:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेसर्स टाटा प्राइवट लिमिटेड को जमदोबा कोलियरी के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, प्रमुख में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया (सं. 2) धनबाद के पत्रों में प्रकाशित करती है।

S.O. 2060.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2) Dhanbad as shown in the Annexure in the Industrial dispute between the employers in relation to the management of Jamadoba Colliery of M/s. Tata Iron and Steel Company Limited and their workmen.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESNT :

Shri I. N. Sinha,

Presiding Officer.

Reference No. 227 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of M/s. Tata Iron & Steel Co Ltd., Jamadoba, Dhanbad and their workman.

APPEARANCES :

On behalf of the workmen.—Shri D. K. Verma, Advocate.

On behalf of the employers.—Shri S. S. Mukherjee, Advocate

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 7th June, 1989

## AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. 1-24012 (88)/87-D.IV(B), dated, the 3rd August, 1987.

## SCHEDULE

"Whether the action of the management of M/s. Tata Iron & Steel Co. Ltd., Jamadoba, Dhanbad in dismissing Sri Aghanu Mahato and in not considering his reinstatement after his acquittal from the Court is justified? If not, to what relief the workman concerned is entitled?"

In this case both the parties appeared and filed their respective W. S. documents etc. Thereafter the case proceeded along its course. Subsequently when the oral evidence of the workmen was continuing both the parties appeared before me and filed a petition of settlement. I heard both the parties on the said petition of settlement and I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the petition of settlement which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer  
[No. L-24012(88)/87-D. IV(B)/IR(C-I)]

## ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Reference No. 227 of 1987

PARTIES :

Employers in relation to the Management of M/s. Tata Iron & Steel Co. Ltd., P. O. Jamadoba, Dist. Dhanbad.

AND

Their Workmen

In the matter of an Industrial Dispute, concerning Sri Agnoo Mahato, Ex. Machine Mazdoor, Ex. T. No. 46130 of 6 & 7 pits, Jamadoba colliery.

The parties above named beg to submit as under :

That the above dispute has been referred to this Hon'ble Tribunal for adjudication by the Ministry of Labour, Govt. of India, New Delhi vide their notification No. L-24012(88)/89-D. (IV)/B dated 3-8-1987.



There is a provision in NCWA-III vide Implementation Instruction No. 25 to upgrade workmen of Grade-III to Grade-II whose job content is comparable with that of Clerk in Grade-II. The concerned workman had been in Grade-III since 1971 and his job content was comparable with that of Clerk Grade-II and so he was entitled to placement in Grade-II after his regularisation as Sand Munshi Clerk well within April, 1984. All his attempts for regularisation had failed to yield any result and so he approached the union for redressal of his grievance. The union raised an industrial dispute on his behalf before the R.L.C. (C) Dhanbad on 10-11-86. The dispute could not be settled due to the apathetic approach of the management. The conciliation proceedings ended in a failure in the Office of the A.L.C.(C) Dhanbad-III. The appropriate Government has been pleased to refer the dispute for adjudication by this Tribunal.

In the circumstances, the sponsoring union has prayed that the concerned workman is entitled to upgradation in Grade-II from April, 1984 as per provision laid down in the National Coal Wage Award-III vide Implementation Instruction No. 25.

4. In rejoinder to the written statement of the sponsoring union the management has stuck to its own case and asserted that consideration of Implementation Instruction under NCWA-III is beyond the scope of the present reference. The Tribunal cannot consider or determine upgradation of the concerned workman from Clerical Grade-III to Clerical Grade-II. He was not required to perform any duty or work involving higher responsibility than that of an employee in Clerical Grade-III. In the circumstances, the management has reiterated its prayer that the claim of the union be rejected.

5. In rejoinder to the written statement of the management the sponsoring union has stated that the present reference is maintainable and that the present dispute is a dispute within the meaning of Section 2(k) of the Industrial Disputes Act. The concerned workman was working in Clerical Grade-III since 1971 and was entitled to his upgradation to Clerical Grade-II from April, 1984 as per Implementation Instruction No. 25 of NCWA-III. Educational qualification of any workman upto Grade-I is of little consequence provided the concerned workman is well conversant with his job. The concerned workman performed his duties efficiently. He should have been regularised as Sand Munshi, but at this belated stage his regularisation as Sand Munshi has lost all significance and the only interest now left is to ensure that he receives monetary relief in the form of difference of wages of Grade-II from April 1984 till his retirement on 31-3-88. It has been denied that the union has enlarged the scope of reference and asserted that the concerned workman deserves upgradation in Clerical Grade-II from April, 1984.

6. The management has examined only one witness namely MW-1 Sri R. P. Singh who was posted in Lodna Colliery in different capacities and laid in evidence some documents which have been marked Exts. M-1 & M-2. On the other hand, the sponsoring union has examined the concerned workman and laid in evidence a series of documents which have been marked Exts. W-1 to W-3, besides some documents have been submitted as Annexures to the rejoinder to the written statement of the sponsoring union which have been relied on by the union in support of its case.

7. The management has taken the plea, although not pressed at the time of hearing, that the present dispute is not maintainable since it is not a dispute within the meaning of Section 2(k) of the Industrial Disputes Act, 1947. The present dispute is whether the action of the management of Lodna Colliery in not regularising the concerned workman, Tub Checker as Sand Munshi is justified or not. Section 2(k) of the Industrial Disputes Act envisages that "Industrial dispute" means any dispute or difference between employers and employers or between employers and workmen, or between workmen or workmen which is connected with the employment or non-employment nor the

terms of employment or with the conditions of labour, of any person. Indeed the present dispute is connected with the employment of the concerned workman and that being so the present dispute is an industrial dispute within the meaning of Section 2(k) of the Industrial Disputes Act.

8. Admittedly the concerned workman was employed as a Tub Checker in Lodna Colliery of M/s. Bharat Coking Coal Ltd., and was placed in Clerical Grade-III. It is also an admitted position that he retired from the service on 31-3-88.

It is the claim of the sponsoring union that the concerned workman had worked as a Tub Checker in Clerical Grade-III since 1971. The concerned workman, in his testimony before this Tribunal has stated that in 1951 he entered the services of Lodna Colliery as Tub-Checker during the erstwhile private management and that he started working as Sand Munshi since 1973 and continued to work as such till his retirement in 1988. He has further stated that during his service career spreading over from 1951 to 1988 he did not get any promotion. This position has not been assailed by the management either by cross-exam., or by leading any cogent evidence. Hence the inescapable conclusion is reached that the concerned workman entered the services of Lodna Colliery in 1951 as Tub Checker and that he started working as Sand Munshi in 1973 and continued to work as such till his retirement in 1988. Admittedly as a Tub Checker he was placed in Clerical Grade-III and so, it appears that, he did not get any promotion in his service career from 1951 to 1988.

9. It appears from the schedule to the terms of reference that the sponsoring union has claimed for regularisation of the concerned workman in service as Sand Munshi. The management has taken the position that there is no such nomenclature as Sand Munshi either in the report of the Central Wage Board for the Coal Mining Industry or Groupings, Nomenclatures, Job Descriptions under National Coal Wage Agreement. It appears from Appendix-VI of the report of the Central Wage Board for Coal Mining Industry, Vol. 2 at page 54 under the heading 'Clerical Staff Gradings and Nomenclatures' that although the nomenclature of Tub Checkers (underground or surface) and Pit Munshi/Sircar Traffic Munshi find place thereunder Clerical Grade-III, the nomenclature of Sand Munshi has not been mentioned there. In other words, the nomenclature of Sand Munshi is unknown as per report of the Central Wage Board for Coal Mining Industry. The same pattern of Clerical Staff Grading and Nomenclature has been adopted by N.C.W.A. dated 11-12-74. Thus it is obvious that the nomenclature of Sand Munshi has got no place in Coal Industry. This being the position, the claim of the union for regularisation of the services of the concerned workman as Sand Munshi is not sustainable.

10. However, the claim of the sponsoring union is that in view of the job performed by the concerned workman and also in view of the provisions of Implementation Instruction No. 25 of N.C.W.A.-III, the concerned workman is entitled to Clerical Grade-II with effect from April, 1984.

It appears from the written statement of the sponsoring union that the concerned workman was required to perform the duties of (i) sand measurement, (ii) challan receipt, (iii) entry, (iv) their distribution, (v) preparation of reports (vi) sending of the report to the higher authority. It has been claimed that these jobs are comparable with those of Clerk in Grade-II.

The concerned workman has stated in his testimony that as Sand Munshi he was required to perform (i) to receive challan presented by the contractors, (ii) to make measurement of the vehicle loaded with sand, (iii) to prepare challan after receipt of the material and (iv) to issue one copy of the challan prepared by him to the contractor and to present the other copy in office. He has also proved the type of challan he used to get from the contractor which has been marked as Ext. W-2 and the type of challan which he used to prepare marked Ext. W-3. He has also stated

that he used to maintain register and has proved that type of register he was required to maintain marked Exs. W-1 and W-1/1. MW-1 Sri R. P. Singh was posted to Louna Colnery as Asstt. Colnery Manager (Second Class) from 1974 to 1980 and thereafter he was posted as First Class Colnery Manager from 1980 to 1983. He was posted there as Senior Mining Engineer from 1986 to 1988 (September). He seems to have almost corroborated the testimony of the concerned workman in so far as the particulars of his duties are concerned. He has stated that the concerned workman was deployed for duty as surface Tub Checker and in 1976 he was deployed for duty as Sand Checker and as a Sand Checker his duty was (i) to receive challan of contractors for supply of sand, (ii) to assess proper load by observation, (iii) to issue company challan against the challan of the contractor and (iv) to perform all other ancillary works. It remains to be considered now if the duties performed by the concerned workman are comparable to the duties of Clerk Grade-II.

11. The sponsoring union has laid no evidence to prove the job description of Clerk Grade-II. The job descriptions of Clerk Grade-III even has not been placed on record by evidence by either of two parties arrayed in the dispute. In the circumstances, I am constrained to state that there is no evidence to prove that the duties performed by the concerned workman are comparable to the duties of Clerk in Grade-II.

12. The sponsoring union has also based its claim on Implementation Instruction No. 25 dated 18-4-84 issued as per N.C.W.A.-III. The implementation Instruction No. 25 under the heading 'Persons in Clerical Grade III' which has been placed on record reads as follows :—

"Attention is invited to the note regarding persons in clerical grade III in Annexure II of the National Coal Wage Agreement-III which is reproduced below for ready reference.

1. Such of the Munshis who may be performing the following jobs in addition to their normal duties would be given clerical grade II.

- (a) Preparation and issue of slips in respect of piece-rated workers concerned.
- (b) Filling up of forms IV.
- (c) Measurements of lead, lift and pushing.
- (d) Taking attendance of workers concerned.

The cases of persons in clerical grade III will be reviewed by the Management and such of the persons whose existing job content is comparable with that of clerks in grade II will be placed in grade II within four months of signing of the Agreement.

2. The above note was examined by the Standardisation Committee at its meeting held on 12th & 13th April, 1984 and it was agreed that for immediate implementation of the above provisions, the following steps should be taken :

- (a) Management shall issue option forms within a month of issue of this Implementation Instruction to all grade III Munshis asking them to intimate their willingness to perform the four jobs mentioned in the note clause 1(a), (b), (c) & (d).
- (b) Munshis will exercise their options within 15 days of receiving the option form.
- (c) On receipt of the option forms the Management will upgrade all the willing Munshis to grade-II.
- (d) If after working for three months, it is found that any of the Munshis is either not capable of doing the jobs or not doing the jobs even if entrusted to do the same, he may be reverted.

With regard to other clerks in grade III, management will review their job contents within a month of issue of this Implementation Instruction and upgrade the deserving candidates with effect from 1-3-1984."

13. It has been asserted by the management that the concerned workman was not required to perform the jobs of Munshi and also that he was not required to perform the jobs of (a) preparation and issue of slips in respect of piece-rated workers concerned, (b) filling up of Form IV, (c) measurements of lead, lift and pushing and (d) taking attendance of workers concerned.

MW-1 Sri R. P. Singh has stated that initially the concerned workman was designated as Tub Checker and in 1976 he was deployed for duty as Sand Checker. I am constrained to state that there is no such nomenclature as Sand Checker either in the report of the Central Wage Board for Coal Mining Industry or Groups, Nomenclatures and Job Descriptions under N.C.W.A. It appears that it is some sort of a irony on the part of the management to designate him as Sand Checker. Any way, Sri Singh has stated that while the concerned workman was working as Sand Checker no piece-rated worker was working under him and that he was not required (i) to prepare and issue any measurement slip to any piece-rated worker, (ii) to fill in Form IV-A, (iii) to measure lead, lift and pushing. Thus it appears from his evidence that the concerned workman was not required (i) to prepare and issue slips in respect of piece-rated workers, (ii) fill in Form IV-A and (iii) to measure lead, lift and pushing. It can be assumed that since no piece-rated worker used to work under him, he was not required to take attendance of workers concerned. I have already pointed out the testimony of the concerned workman with regard to the duties he was required to perform. It is obvious from evidence that he was not designated as Munshi and was not required (i) to prepare and issue slips in respect of piece-rated workers, (ii) to fill in Form IV-A or Form V, (iii) to measure lead, lift and pushing and to take attendance of workers concerned. As per Implementation Instruction No. 25 dated 18-4-84 the Munshi who were performing the jobs as stated above in addition to their normal duties were directed to be placed in Clerical Grade-II subject to their giving option therefor. Since the concerned workman was neither a Munshi nor was he required to perform the jobs as mentioned above in addition to his own duties, there was no question for the management to place him in Clerical Grade-II subject to his giving option therefor.

14. Sri D. K. Dey, authorised representative of the sponsoring union and the concerned workman has relied on the following paragraphs of the Implementation Instruction No. 25 dated 18-4-84 :

"With regard to other clerks in grade III, management will review their job contents within a month of issue of this Implementation Instruction and upgrade the deserving candidates with effect from 1-3-1984."

15. Sri Dey, has contended that the management was required to review the job contents of the concerned workman within a month of issue of the Implementation Instruction and upgrade the deserving candidate with effect from 1-3-84 and since the management has not done so, the concerned workman is entitled to upgradation ipso facto with effect from 1-3-84.

Sri R. P. Singh, MW-1 has stated in cross-examination that the management reviewed the work and workload of the concerned workman and that as per their review the concerned workman was not entitled to Clerical Grade-II. This appears to be a figment of imagination of Sri Singh because it is not the case of the management that the management reviewed the duties of the concerned workman and as per review of the management the concerned workman was not entitled to Clerical Grade-II. As per Implementation Instruction No. 25 dated 18-4-84 it is the bounden duty of the management to make a review of the job contents of the concerned workman as he was placed in Clerical Grade-III and to upgrade him, if he so deserves, with effect from 1-3-1984. The management is hereby directed to review the job contents of the concerned workman was required to perform within one month from the date of publication of this award and to upgrade him retrospectively, if he deserves so w.e.f. 1-3-84 and to pay him difference of wages.

16. Accordingly the following award is rendered.

The action of the management of Lodna Colliery of M/s. Bharat Coking Coal Ltd., Dhanbad in not regularising Sri Sharda Singh, Tub Checker as Sand Munshi is justified. But nevertheless the management is directed to review the job contents of the concerned workman within one month from the date of publication of this award and to upgrade him, if he deserves so with effect from 1-3-1984 and pay him the deference of wages from 1-3-84 till the date of his retirement.

In the circumstances of the case, I award no costs.

S. K. MITRA, Presiding Officer  
[No. L-24012(188)/87-D.IV(B)/IR(C-I)]

नई दिल्ली, 14 अगस्त, 1989

का.प्र. 2062:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, न्यूनतम भारत कोकिंग कोल लिमिटेड की गोबिन्दपुर कोलिरी के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच प्रमुख में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 3-8-1989 की प्राप्त हुआ था।

New Delhi, the 14th August, 1989

S.O. 2062.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Gobindpur Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 3-8-1989.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 60 of 1984

#### PARTIES :

Employers in relation to the management of Gobindpur Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

#### PRESENT :

Shri S. K. Mitra, Presiding Officer.

#### APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—None.

STATE : Bihar

INDUSTRY : Coal

Dated, the 24th July, 1989

#### AWARD

The present reference arises out of Order No. L-20012 (149)/84-D.III (A), dated, the 28th August, 1984 passed by the Central Government, Ministry of Labour, in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the Schedule to the said order and the said Schedule runs as follows :

"Whether the action of the management of Gobindpur Colliery of Messrs Bharat Coking Coal Limited in not allowing Smt. Sabia Kamin Soft Coke Manufacturer and Smt. Bahamuni Kamin, Wagon Loader to resume duties is justified ? If not, to what relief these workmen are entitled ?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer  
[No. L-20012(149)/84-D.III (A)/IR (Coal-I)]

#### BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 DHANBAD

Ref. No. 60/84

Employers in relation to the management of Gobindpur Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

#### PETITION OF COMPROMISE

The humble petition on behalf of the parties to the reference most respectfully sheweth :

1. That the Central Government by Notification No. L-20012(149)/84-D.III (A) dated 28th August, 1984 has been pleased to refer the present dispute on the following issue.

#### SCHEDULE

"Whether the action of the management of Govindpur Colliery of M/s. Bharat Coking Coal Limited in not allowing Smt. Sabia Kamin, Soft Coke Manufacturer and Smt. Bahamuni Kamin, Wagon Loader to resume duties is justified ? If not, to what relief these workmen are entitled ?"

2. That without prejudice to the respective contentions of the parties contained in their pleadings the dispute has been amicably settled on the following terms :—

#### TERMS OF SETTLEMENT

- (A) That the concerned workmen namely S/Smt. Sabia Kamin and Bahamuni Kamin will be allowed to resume duties as wagon loaders within 15 days from the date they will report for their duties.
- (B) That the concerned ladies will produce relevant documents of identification alongwith affidavits in support of their genuin at the time of reporting for duties.
- (C) That the intervening period of idleness from the date of absence till the date of resumption of duty will be treated as leave without wages and continuity of their services will be maintained for the purpose of payment of gratuity. They will not be entitled for wages, Bonus and other benefits for the entire period of idleness.
- (D) That if the concerned ladies do not report for duties with the documents of identification within 60 days from the date of this settlement, they will forfeit their right of employment under this settlement and will have no claim in future of any kind against the management.
- (E) That the management will have right to terminate the services of the concerned ladies in case their identities will be proved to be false.

2. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Employers : For the Workmen :

(S. P. N. RAI) (G. D. PANDEY)  
General Manager Vice President  
(S. P. SINGH) Rashtriya Colliery Mazdoor Sangh  
Personnel Manager

Witnesses :

1. Sd/- Illegible
2. Sd/- Illegible

का.प्र. 2063—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार संसद भारत कोकिंग कोल लिमिटेड का साउथ गोविन्दपुर कोलियरी के प्रबंधन से सम्बद्ध निरीक्षणों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, (सं. 1) धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-1989 का प्राप्त हुआ था।

S.O. 2063.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Gobindpur Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 3-8-1989.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 17 of 1983

#### PARTIES :

Employers in relation to the management of South Gobindpur Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

#### PRESENT :

Shri S. K. Mitra, Presiding Officer.

#### APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—None.

STATE : Bihar

INDUSTRY : Coal

Dated, the 24th July, 1989

#### AWARD

The present reference arises out of Order No. L-20012 (363)/82-D.III (A), dated, the 16th/23rd March, 1983 passed by the Central Government, Ministry of Labour, in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the Schedule to the said order and the said Schedule runs as follows :

“Whether the demand in respect of Shri B. K. S. Chauhan Grade-II Clerk for his promotion to clerical Gr. I from the date his juniors were promoted to Clerical Grade-I in the Bharat Coking Coal Limited's Area No. III is justified? If so, to what relief is the workman concerned entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down

in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer  
[No. L-20012(368)/82-D.III(A)/IR (C-1)]

K. J. DYVA PRASAD, Desk Officer

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I DHANBAD

Reference No. 17/83

Employers in relation to the management of South Gobindpur Colliery under Govindpur Area of M/s. Bharat Coking Coal Ltd.

AND

Their Workmen.

The Joint compromise petition of employer and workmen.

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the Central Government by Notification No. L-20012(363)/82-D. III(A) dated 16-3-1983 has been pleased to refer the present dispute on the following issue.

#### “SCHEDULE”

“Whether the demand in respect of Shri B. K. S. Chauhan, Gr. II Clerk for his promotion to Clerical Grade-I from the date of his juniors were promoted to Clerical Grade-I in the BCCL's Area No. III is justified? If so, to what relief the workman concerned entitled?”

2. That, without prejudice to the respective contention of the parties contained in their pleadings, the dispute has been amicably settled on the following terms :—

#### TERMS OF SETTLEMENT

(A) That considering the fact that the concerned workman Shri B. K. S. Chauhan has already been promoted from Clerical Grade-II to Grade-I in 1983 during the pendency of the present dispute. The Union does not claim any other benefit except the seniority of the concerned workman with retrospective effect. It has been agreed that the seniority of the concerned workman in clerical grade-I will be given from 20-7-1980 and the seniority list of Grade-I clerks will be revised accordingly.

(B) That the concerned workman will not claim any difference of wages from 20-7-80 till the date of his promotion in Grade-I and will not claim for any re-fixation of his scale of pay or grade to disturb the present position.

3. That in view of the above settlement there remains nothing to be adjudicated.

Under the facts and circumstances stated above the Hon'ble Tribunal will be graciously pleased to accept the settlement as fair and proper and be pleased to pass the Award in terms of the settlement.

For the Employers : For the Workmen :

(S. P. N. RAI) (G. D. PANDEY)  
General Manager Vice-President  
(S. P. SINGH) Rashtriya Colliery Mazdoor Sangh  
Personnel Manager

Witnesses :

1. Sd/- Illegible
2. Sd/- Illegible

नई दिल्ली, 4 अगस्त, 1989

क्र.सं. 2064—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व भारतीय स्टेट बैंक पटना के प्रबंधन से संबंधित निोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, तथा श्रमिक न्यायालय नं० 1, धनबाद पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 3-8-1989 प्राप्त हुआ था।

New Delhi, the 4th August, 1989

S.O. 2064.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal-cum-Labour Court No. 1 Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India main Branch Patna and their workmen, which was received by the Central Government on 3-8-1989.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD**

In the matter of a reference under section 10(1)(d) of the Industrial Dispute Act, 1947

Reference No. 55 of 1983

**PARTIES :**

Employers in relation to the management of State Bank of India, Patna.

AND

Their Workmen.

**PRESENT :**

Shri S. K. Mitra, Presiding Officer.

**APPEARANCES :**

For the Employers—Shri S. K. Ghose, Advocate.

For the Workmen—Shri D. Mukherjee, Advocate

STATE : Bihar

INDUSTRY : Bank.

Dated, the 24th July, 1989

**AWARD**

By Order No. L-12012/310/82-D.II (A), dated, the 30th July, 1983, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of State Bank of India, in relation to their Patna Main Branch in terminating the services of Shri Ramashish Sinha, Cashier with effect from 5-6-68 is justified? If not, to what relief is the workman concerned entitled?”

2. The case of the management of State Bank of India, Patna Main Branch, as appearing from the written statement submitted, details apart, is as follows :

Ramashish Sinha was engaged purely as a temporary Cashier on 11-9-1967. There occurred occasional break in his service which was ultimately terminated on 4-6-68. He worked for a total period of 212 days as detailed in Schedule ‘A’ during his service. A candidate is required to pass required test including typing test for absorbing in Bank’s service on permanent basis. The concerned workman did not pass the required test and so the question of his absorption on permanent basis did not arise. His services stood terminated on the closure of business on 4-4-1968. He accepted the termination of his service and in usual course requested for a certificate from the Bank for utilising the same for securing any other employment. Accordingly a certificate under the heading “To whom it may concern” had been issued to him on or about 24-8-1968. He did not thereafter raise any grievance regarding his termination for more than eight years and so his

claim for absorption in service after the lapse of eight years “could not be agreed to by the management on the ground of staleness of his claim. He is not protected under the Industrial Disputes Act as he worked for 212 days. In the circumstances, the termination of his employment by the management is valid, legal and has not contravened any of the prevailing laws or the Sastry Award as modified by Desai Award and bilateral agreements entered into between the management of State Bank of India and All India State Bank of India Staff Federation, the recognised union from time to time. The management has submitted that the reference is bad in law and without jurisdiction and prayed that the reference be answered in favour of the management of the State Bank of India.

3. The case of the concerned workman, as appearing from the written statement, is as follows :

He after having passed his Intermediate examination, was selected and appointed by the State Bank of India, Patna Main Branch as Cashier. He joined the post on 11-9-67 and was working to the entire satisfaction of his immediate superior authority posted in the Bank. There was no adverse remark against him. But his service was abruptly terminated by the management on 5-6-1968 the reason being that he did not belong to the group of people who were carrying favour with the management. He has alleged that since he was indifferent to the internal politics of the Bank, the authorities wanted to get rid of him and actually did so. He has rendered continuous service for the Bank for more than 266 days and there was no break in his service. He did not avail himself of the leave except for two days. Anyway, after his termination of service he approached the authority and made several representations but the Bank kept him in the dark and was advised to contact the office on some future dates. No final communication was ever made to him with the result that his case remained hanging before the Department for a number of years. In the circumstances he had no other alternative remedy than to make representation before the Asstt. Labour Commissioner (C), Patna, after making a demand on the management. The matter remained pending before the Asstt. Labour Commissioner (C), Patna, for several months and ultimately the Government referred the matter for adjudication. He has remained un-employed still now. He has alleged that the termination of his service was in utter violation of the principles laid down under the Labour Laws for retrenchment and termination. He has further alleged that S/Shri B. K. Prasad and V. K. Mishra, the two Cashiers were appointed later than him in the same post and are still being retained by the Department they have been given promotions too, while in his case the Bank has adopted discriminatory policy and virtually victimised him. There was no reasonable cause for dispensing with his service. In the circumstances he has prayed that necessary order be passed for his reinstatement in service with back wages.

4. In the rejoinder to the written statement of the concerned workman the management of the Bank has asserted that the appointment of the concerned workman as Cashier was an Ad-hoc appointment purely on temporary basis. The question whether he was working with entire satisfaction is not relevant for the purpose of disposal of the issue involved in the case. The Bank has asserted that he had worked for 212 days he “actually worked”. The management has further stated that even if he had been paid full salary for the month the same would not entitle him, according to law, to count the days he “actually worked”. The management has further stated that the claim of the concerned workman for making representation of the management is totally wrong, and asserted that there has been no violation of law whatsoever in terminating his services. The allegation of the concerned workman about discrimination made to him in comparison with S/Shri B. K. Prasad and V. K. Mishra has been denied. Since he could not pass required test the question of his absorption in service on permanent post did not arise and his service stood terminated on the close of business hours on 4-6-1968.

5. In rejoinder to the written statement of the management of the Bank the concerned workman has asserted that he was in continuous service for near about 268 days. He has asserted that there was no break in service and if the payment-sheet for the relevant period is produced before the Court, it would show that he had been receiving full salary for the full month. He appeared in test only once and that was on 8-12-68 and he did well in the test, but for reasons best known to the Bank, the result of the test was not communicated to him. He had been taking positive steps for redressal of his grievance and for re-instatement in service, but the Department all the time evaded the matter and thus he was kept on tenterhooks for years on end.

6. The management of the Bank filed additional written statement and stated therein that the concerned workman was engaged for a specific number of days against leave/temporary vacancies and/or work and the appointment letters issued to him from time to time clearly indicate that his temporary appointment would come to an end after expiry of the stipulated period of appointment. Hence, non-renewal of contract engagement does not amount to retrenchment. The concerned workman as ex-temporary employee failed to apply and appear in written test conducted for appointment of Cashier of the Bank on permanent basis. A few temporary employees who worked at Patna Main Branch against similar temporary/leave vacancies applied and appeared in the circumstances test and were appointed in permanent cadre after passing written test and interview. The claim of the concerned workman is a stale one inasmuch as he has laid the claim after expiry of almost nine years.

7. In rejoinder to the additional written statement of the management the concerned workman has stated that he was not engaged for specific number of days and the management has set up this case as an after thought. He has further denied that he failed to apply and/or appeared in the written test conducted by the management. He has denied to have made delay in preferring his claim for re-instatement in service and alleged that the delay in raising the dispute was due to the false assurance of the management given to him.

8. The management has examined two witnesses, namely, MW-1 Sri B. N. P. Verma, an officer of State Bank of India, presently posted at Patna Main Branch and MW-2 Sri S.N.P. Nandkoolvar, now posted as Officer-Incharge, Branch Manager's Secretariat, State Bank of India and laid in evidence some documents which have been marked Exts. M-1 to M-3. On the other hand, the concerned workman has examined himself and laid in evidence a mass of documents which have been marked Exts. W-1 to W-35.

9. Admittedly Sri Ramashish Sinha, the concerned workman was appointed by the State Bank of India, Patna Main Branch as temporary Cashier on 11-9-67. Although MW-1 Sri B. N. P. Verma, an officer of the State Bank of India, presently posted at Patna Main Branch has asserted that his appointment was an adhoc appointment, the case of the management as spell out in the written statement, rejoinder and additional written statement does not indicate that position. The concerned workman has disputed the position that his appointment was on adhoc basis. The parties arrayed have not produced the letter of appointment. The concerned workman has emphatically stated that he did not get any letter of appointment from the management of the Bank. He has not been cross-examined on his point. MW-1 Sri Verma has stated that the documents produced by the Bank will show that the concerned workman was appointed for a specified period. But the documents produced by the Bank do not indicate this position. Sri Verma has admitted that the Bank has not produced the letter of appointment.

Sri S. K. Ghose, learned Advocate for the Bank has taken me through Ext. M-3 which is photostat copy of Circular dated 21-7-50 indicating a format for appointment of temporary staff. But this circular itself shows that a temporary employee, whenever appointed, should be given a letter of appointment in the prescribed proforma marked 'A'. The Bank, as I have stated above, has not produced the letter of appointment. However, this proforma indicates that appointment of temporary employees and other employees including temporary cashiers should be made for a specified period.

The Bank could not produce the letter of appointment issued in respect of the concerned workman. The concerned workman has also denied that any letter of appointment was issued to him. The documents produced by the Bank do not indicate that the concerned workman was either appointed temporarily or for a specified period. This being the position, it appears that the Bank has made a departure from the circular Ext. M-3 by not issuing letter of appointment in favour of the concerned workman. In the circumstances, it is very difficult to believe or hold that the Bank issued letter of appointment to the concerned workman for a specified period in accordance with the proforma as appended to the circular.

10. It is the case of the Bank that the concerned workman was employed by the Bank with occasional breaks in service and that his services were terminated on 4-6-1968. In the additional written statement the Bank has stated that he was engaged for a specified number of days against leave/temporary vacancies and that the appointment letters issued from time to time clearly indicate that the temporary appointment would come to an end after the expiry of this stipulated period and that non-renewal of contract engagement does not amount to retrenchment. The Bank however, has not spread any pains to produce any of the letter of appointment to show that the concerned workman was engaged for a specified period or that his engagement was renewed from time to time. However, the fact is that the appointment of the concerned workman came to an end on 4-6-68.

11. Sri S. K. Ghose has contended that since the appointment of the concerned workman came to an automatic end as a result of termination of service on account of non-renewal of contract of employment, this is not a retrenchment. The present case relates to 1967-68 and the amendment was engrafted in the Industrial Disputes Act in Section 2(oo) in the definition of retrenchment which came into effect on 18-8-84. That being so, the contention of Sri Ghose is not sustainable. It has been held in the case reported in A.I.R.

1976 S.C. 1111 that "whatever the reason, every termination entails retrenchment. So the sole question is has the employee's service been terminated? Verbal avowal apart the substance is decisive. A termination takes place where a term expires either by the active step of the master or the running out of the stipulated term. Termination embraces not merely the act of termination by the employer, but the fact of termination howsoever produced". This being the legal position, there cannot be any escape from the position that the service of the concerned workman was terminated by the Bank with effect from 4-6-68. As a matter of fact the Bank has admitted in its written statement that the service of the concerned workman was terminated on 4-6-68 though it tried to wriggle out of the position in additional written statement.

12. Admittedly the concerned workman was engaged by the Bank from 11-9-67 to 4-6-68. The Bank has claimed that there was occasional breaks in his service. But no evidence has been produced to prove this fact. On the other hand, the concerned workman has emphatically asserted that there was no break in his service. The Bank has claimed that the concerned workman, during the tenure of his service, had put in attendance for 212 days. On the other hand, the concerned workman has claimed that he has put in attendance for 266 days during the tenure of his service in the Bank. The Bank has not produced the attendance register of the concerned workman. At the instance of the concerned workman they have produced the pay sheet in respect of the concerned workman. This pay sheet indicates that the concerned workman was paid salary and allowances for 264 days (including the whole month of April 1968 and May 1968) within a space of one calendar year starting from 1-6-68 to 4-6-68. MW-1 Sri B. N. P. Verma has stated that whole month's attendance means attendance for the entire month excluding holidays. But it is now a well settled position that in computing the working days for the purpose of Section 25-B of the Industrial Disputes Act, Sundays and paid holidays are counted for computing the period of 240 days' attendance in a calendar year. The concerned workman has claimed in his testimony that he has put in more than 240 days attendance in a calendar year. Thus from the evidence on record I have no hesitation to hold that the concerned workman put in more than 240 days' attendance in a calendar year during his tenure of service in the Bank. Admittedly the concerned workman has not been given one



moth's notice indicating the reasons for his retrenchment nor has he been paid wages for the period of notice in lieu thereof. He was not also paid any retrenchment compensation. It is mandatory on the part of the Bank to comply with the provisions for giving one month's notice in writing indicating the reasons for retrenchment and compensation before termination of service in terms of Section 25-F of the Industrial Disputes Act. The management not having done so, the termination of the service of the concerned workman is illegal and not justified in law.

13. Sri S. K. Ghose, Advocate for the management has urged before me that the concerned workman has acquiesced in or waived his right to get appointment by accepting the certificate from the Bank dated 24-8-69. The certificate runs as follows ;

"This is to certify that Shri Ramashis Sinha, worked at this Office as a temporary cashier from 11th September 1967 to 4th June 1968 with occasional breaks in services."

This certificate does not indicate that the concerned workman acquiesced in or waived his right to get or continue his employment in the Bank. The pleas of acquiescence and laches were negated by the Supreme Court in the case of *Guest, Keen, Williams (P) Ltd. Vs. Sterling (P. J.)* and others reported in (1959) 11-L.L.J. 405 by observing that the Industrial Tribunal should be slow and circumspect in applying the technical principles of acquiescence and estoppel. This being the factual and legal position, I have no hesitation to hold that the certificate marked Ext. M-1 cannot be treated as a piece of document whereby the concerned workman acquiesced in or waived his right to get his employment or continue his employment in the Bank.

14. Sri Ghose has further urged before me that the claim of the concerned is a stale one since after the lapse of almost 14 years the present industrial dispute has been raised.

Sri D. Mukherjee, Advocate for the concerned workman has pointed out that the concerned workman initially took up the matter of his employment with the management and when he could not get any relief from the recalcitrant management, he was constrained to raise the present industrial dispute. He has taken me through a mass of letters written by the concerned workman on different dates starting from 26-6-68 till 25-11-81 Exts. W-1, W-3, W-5, W-14, W-25 to W-26 and W-31 to W-33. It appears that the letters Exts. W-1, W-3 and W-5 to W-14 were sent under certificate of posting and W-25 to W-26 by registered post. Other letters Exts. W-31 to W-33 were delivered by hand.

15. Sri S. K. Ghose has contended that all these letters excepting letters Exts. W-25 to W-33 are manufactured. He has further contended that the originals of these letters have not been called for and so the concerned workman cannot rely on these documents. He has pointed out that the letters sent under certificate of posting were posted in the same Post Office and this indicates that the letters are manufactured. He has also pointed out that the common mistake in using the word 'observe' in place of 'absorb' has appeared in almost all the letters and so all these letters sent under certificate of posting are manufactured.

16. The concerned workman produced the photostat copies of all these letters before this Tribunal way back in 8-2-84. The management got sufficient time to look into these documents and to come up with the plea whether it has received those letters or not. This the management has not done. The management has got a fore-knowledge that the copies of these documents will be produced by the concerned workman. In the circumstances I think, that formal notice upon the management by the concerned workman to produce the original documents would have been an empty formality. Besides, the provisions of Evidence Act do not apply to industrial adjudication, but certain principles of law of evidence may apply to the facts of a case. In the present case I do not consider that such fundamentals have been disturbed.

By contending that all the letters sent under certificate of posting are manufactured, Sri Ghose has would have

me believed that all these letters are collective. But there is no iota of evidence to indicate that the concerned workman has made any collusion with the postal authorities. Sri Ghose has contended that all the certificate of postings are from the same Post Office. This fact does not at all help Sri Ghose's proposition that the letters sent under certificate of posting are manufactured because the concerned workman might have posted all these letters in the same Post Office for his convenience. The same calligraphic mistake appearing in almost all the letters issued under certificate of posting by use of the word 'observe' in place of 'absorb' betrays the degree of intelligence and education of the workman and does not indicate at all that these letters were manufactured. In the circumstances, I am constrained to hold that the concerned workman, after his service was terminated was supplicating the management to provide him with a employment. It appears that the management by its letter dated 17-1-77 (Ext. W-34) gave reply to his letter dated 13-1-77 (Ext. W-26) informing him that his application was sent to the Personnel Department at the local Head Office at Patna for necessary action. Thereafter the management did not inform him anything.

17. Considering all these facts and circumstances, I am constrained to hold that the claim of the concerned workman for reinstatement in service is not a stale claim. Sri S. K. Ghose has further contended that the concerned workman appeared in test examination held on 8-12-68 for absorption in Bank's service on permanent basis but could not pass the test. Although MW1 Sri Verma has stated that the concerned workman could not pass the test, no document has been produced by the management in support of this position. On the other hand, the concerned workman has stated that he did well in the test. He also could not produce any paper in support of his contention. In the circumstances the onus is equally balanced; but even then the result does not impinge on the case of the concerned workman for the simple reasons that if the management could not provide him employment on permanent basis, it could have done so on temporary basis as it did earlier.

18. Finally Sri Ghose has contended that in accordance with the prevailing practice of the Bank, the Head Cashier is to take risk and responsibility for the action for the Cashier by giving a written undertaking to the effect to the management in the specified form and that in cases where the Head Cashier does not agree to take risk and responsibility for any cashier, the Bank is not in a position to give employment to such cashier. He has submitted that since the Head Cashier did not agree to renewal of service of the concerned workman by accepting risk and responsibility for him, the services of the concerned workman came to an end. This contention of Sri Ghose is as porous as a leaky boat. For one such plea has not been taken in the written statement of the Bank. Then again, the Head Cashier who allegedly stood as a guarantor for the concerned workman has not been examined. There is no evidence on record to indicate that the performance of the concerned workman was such that the Head Cashier was constrained to abjure his responsibility. That apart, the Bank could have called upon the concerned workman to provide adequate security in order to get over the alleged impasse before terminating his service. Hence this contention of Sri Ghose in support of the plea of the management for terminating the services of the concerned workman is not sustainable.

19. Considering all these facts and circumstances, I come to the conclusion that the action of the management of the State Bank of India, Patna Main Branch in terminating the services of the concerned workman with effect from 5-6-68 is not justified.

But regard being had to the efflux of time, I do not consider it proper to saddle the management with direction for reinstatement of the concerned workman with effect from the date of his termination of services. I think that it would be fair and proper to reinstate him in service within one month from the date of publication of the award either as Cashier or in other category of workman having equivalent classification.

20. Accordingly the following award is rendered—

The action of the management of State Bank of India, Patna Main Branch in terminating the services of the

concerned workman with effect from 5-6-68 is not justified. The management of Bank is directed to reinstate the concerned workman in service either as Cashier or as a workman of Comparable category within one month from the date of publication of the award and with information to him.

In the circumstances, of the case, I award no costs.

S. K. MITRA, Presiding Officer  
[No. L-12012/310/82-D.II (A)]

नई दिल्ली, 9 अगस्त, 1989

का.आ. 2065: औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्र सरकार व भारतीय स्टेट बैंक के प्रबन्धन के संबंध निम्नलिखित और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद के केन्द्र सरकार औद्योगिक अधिकरण व श्रम न्यायालय नं. 2 बम्बई, के पंचाद को प्रस्तुत करता है, जो केन्द्र सरकार को 8-8-1989 को प्राप्त हुआ था।

New Delhi, the 9th August, 1989

S.O. 2065.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby published the following award of the Central Government Industrial Tribunal Cum Labour Court No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 8-8-1989.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, BOMBAY

PRESENT :

Reference No. CGIT-2/22 of 1986

Shri P. D. Apshankar, Presiding Officer.

PARTIES :

Employers in relation to the management of State Bank  
of India

AND

Their workmen.

APPEARANCES :

For the Employers : Shri R. M. Nandvanshi, Officer.

For the Workmen : Shri S. D. Phadke, President, State Bank  
of India & Subsidiary Banks Employers  
Union.

INDUSTRY : Banking STATE : Maharashtra.  
Bombay, dated the 10th July, 1989

AWARD PART I

The Central Government by their Order No. L-12012/285/84-D. II(A) dated 26-5-1986 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947 :—

“Whether the action of the management of State Bank of India in relation to their Murtizapur Branch in discharging Shri S. W. Khetre; Watchman from service vide order dated 21-6-1977 was justified? If not, to what relief the workmen concerned entitled?”

2. The workman in question Shri S. W. Khetre, was working as a Watchman in the Murtizapur Branch, Akola District, of the State Bank of India. On 8-9-1975 the Waterman by name Shri N. Mhaske filed a complaint with the Branch Officer of that Bank stating that on 6th and 7th September 1975 the said workman Shri Khetre had molested and outraged the modesty of his daughter Miss Pushra in the Bank premises, and that he learnt about it from his daughter. Therefore, a chargesheet was issued against the said workman by the Bank management in March, 1976. The alleged charge amounted to gross misconduct on the part

of the said workman, as per the provisions of Sastry Award. The necessary domestic enquiry Officer held the charges. The necessary domestic enquiry was held against him. The Enquiry Officer held the charges proved. Thereafter, the Bank management, after following the further necessary procedure, discharged him from service with effect from 21-7-1977.

3. Now, the case of the said workman as disclosed from the statement of claim (Ex. 2) in short is thus :—

He was discharge from service at a time when the Emergency was declared in the country. Taking undue advantage of the existence of the Emergency, the Bank Management, especially the Branch Manager Shri Shaligram, with ulterior motive and malafide intention cooked up a false case against him, as above. He was not supplied with the copy of the complaint lodged by the said Waterman with the Bank management. Further, the alleged misconduct was a private transaction of the workman totally unconnected with his official duties. He had not committed any misconduct. The Branch Manager Shri Shaligram got a false complaint lodged by the Waterman, Shri N. Mhaske against the workman, for some ulterior motive. The enquiry against him had proceeded ex-parte. He was not supplied with copies of the necessary documents. No Police complaint was lodged against the workman by the said Waterman or by the Bank management regarding the said alleged incident. The workman was not given proper opportunity to lead evidence on his behalf. The inquiry was not held as per the provisions of Shastri and Desai Awards. He was not given proper opportunity to defend himself. The findings of the Enquiry Officer are perverse, and not based on the evidence on record. The termination of service of the workman amounts to unfair labour practice on the part of the Bank management. An honest and innocent employee has been punished by the Bank management for no fault of his. The Appellate authority did not apply its judicial mind while deciding the appeal filed by the workman against the order of the disciplinary authority. The workman further proved that the action of the management in discharging him from service is arbitrary, illegal and malafide, and he be directed to be reinstated in service, with full back wages and continuity of service.

4. The Regional Manager of the said Bank by his written statement (Ex. 3) opposed the prayer made by the said workman, and contended thus :—

The said workman Shri S. W. Khetre was working as a Watchman at Murtizapur Branch, District Akola. In September, 1975 he committed certain acts of misconduct as per the complaint lodged by the Waterman Shri N. Mhaske against the said Watchman. Accordingly a chargesheet was issued against that Watchman in March 1976. Those Charges amounted to gross misconduct as per the provisions of Sastry Award and Desai Award. The workman was issued with a show cause notice, and thereafter the necessary enquiry was held against him on 3-4-1976. The workman had requested for adjournment but the Bank did not accede to his request for adjournment, and as such the enquiry was held ex-parte against the workman. However, thereafter on the request of the workman, the disciplinary authority quashed the said ex-parte enquiry, and a fresh enquiry was again held against the workman in July 1976. The workman was represented by the Assistant Secretary of the Union, by name Shri R. N. Jambekar. Ten witnesses were examined and cross-examined in that enquiry. That enquiry was held as per the rules of natural justice, and sufficient opportunity was given to the workman to defend himself.

(ii) The Enquiry Officer held that the charges levelled against the workman were duly proved. The Enquiry Officer submitted his report to the disciplinary authority. The disciplinary authority, after again considering the matter on record independently, came to



the conclusion that the charges were properly proved against the workman, and that he deserved the punishment of dismissal from service. However, on humanitarian grounds the Watchman was awarded the punishment of discharge from service. Thereafter the workman filed the appeal to the Appellate authority. The Appellate authority, however, agreed with the views of the disciplinary authority and dismissed the appeal. After the dismissal of the Appeal the workman approached the Assistant Labour Commissioner (C) and raised an industrial dispute. The Conciliation before the Assistant Labour Commissioner (C) failed, and the report of the failure of conciliation was sent to the Ministry of Labour, Government of India. The Government of India, after the considering the case in detail, had come to the conclusion that it was not a fit case for referring to the Industrial Tribunal as the action of the Bank Management in discharging the workman from service on the basis of the findings arrived at by the Enquiry Officer, were not unjust or mala fide. Thereafter, after a lapse of 8 to 9 years the workman's Union approached the Government of India and requested that the reference of the dispute be made to an Industrial Tribunal. The Government of India in November 1985 called for the say of the Bank management. The Bank management by their say dated 16-1-1986 opposed the said request of the Union. However, ultimately the Government of India referred the present industrial dispute to this Tribunal.

5. The Bank management by their further written statement (Ex. 4) alleged that the present reference made about 9 years after the discharge of the workman, is illegal and arbitrary and that this Tribunal should hold accordingly. Further the present claim of the workman is stale and of old dispute.

6. The Bank management further contended that the findings of the Enquiry Officer are just and proper and are not perverse. The Bank management did not indulge in any unfair labour practice against the said workman. The post of Watchman is a post of trust and confidence and requires high degree of morality and honesty on the part of that Watchman. The misconducts committed by the said workman, as duly proved, in the enquiry conducted, are unbecoming of a Watchman working in Banking industry. The Bank lost its confidence in the workman. As such he is not entitled to reinstatement in service. The Bank management, therefore, prayed that the request of the workman be rejected, and its action be upheld as just and proper.

7. The Issues framed at Ex. 5 are :—

1. Does the workman prove that the inquiry held against him was not held properly and the rules of natural justice were not followed?
2. Whether the findings of the Inquiry Officer are perverse and bad in law?
3. Whether the management of the State Bank of India had indulged in unfair labour practices against the workman Shri S. W. Khetre and had victimised him?
4. Whether the present reference made by the Central Government, Ministry of Labour, is illegal, arbitrary and void for the reasons urged by the Bank management in their "preliminary objection" dated 10-8-1988?
5. Whether the action of the management of State Bank of India in relation to their Murtizapur Branch in discharging Shri S. W. Khetre, Watchman from service vide order dated 21-6-1977, was justified?
6. If not to what relief the workman concerned is entitled?
7. What Award?

8. At the request of the Bank management, Issue No. 4 has been tried as a preliminary Issue. My finding on Issue

No. 4 is in the negative, as can be seen from the following discussion.

9. The workman Shri S. W. Khetre was discharged from the State Bank of India service with effect from 21-6-1977. Thereafter an industrial dispute was raised by the Union on his behalf before the Assistant Labour Commissioner (C). The Necessary conciliation proceedings were held. However, they ended in failure. The necessary failure report was submitted by the Assistant Labour Commissioner (C) to the Central Government. Thereafter, the Central Government refused to make any reference to the Industrial Tribunal by passing the necessary order. The necessary order in that respect was passed by the Under Secretary to the Government of India, Ministry of Labour on 20-12-1978. Its xerox copy is at Ex. 6. By that letter the Under Secretary to the Government of India, Ministry of Labour, informed the Chief Regional Manager, State Bank of India and the General Secretary State Bank of India & Subsidiary Bank Employees Union that the Government of India did not consider the dispute fit for reference to an Industrial Tribunal because the action of the management in dismissing the workman w.e.f. 21-7-1977 on the basis of the findings of a duly constituted and properly conducted enquiry did not appear to be mala fide or unjustified.

10. A period of six years passed, and thereafter the Union in question of which the said workman was a member, sent a letter to the Government of India on 13-11-1984 (Ex. 8) that the Government should re-consider the matter and should make the necessary reference regarding the industrial dispute of the discharge of the said workman from service to the Industrial Tribunal. The Desk Officer, Government of India, Ministry of Labour then sent a letter dated 13-11-1985 (Ex. 7) to the Chief Regional Manager of the State Bank of India at Nagpur that the Government was proposing to make the necessary reference to an Industrial Tribunal, and asked for the Bank's views in the matter. This letter was sent to the Bank seven years after the discharge of the said workman from the Bank service. By this letter the Desk Officer of the Government of India informed the bank management that, 'the representation of the Union has been examined, that Shri S. W. Khetre was wrongly impleaded in the matter as a plot was hatched against him by the Branch Manager, that the Union had also mentioned a number of points which require judicial probe, that moreover, the punishment of discharge from service for alleged indecent and disorderly behaviour appears disproportionate to the offence committed and that it is therefore proposed to refer the dispute for adjudication.' By this letter the Desk Officer asked the Bank management to submit their views in the matter. The Chief Regional Manager of the Bank by his reply dated 16-1-1986 (Ex. 9) sent to the Desk Officer, Government of India, opposed the Government's proposal for reconsideration of the matter and making reference to an Industrial Tribunal. According to the Bank management, the enquiry against the said workman was properly held, that he was given sufficient opportunity to defend himself and the findings of the Enquiry Officer were proper and the punishment imposed on the workman was just and proper. However, thereafter, the Central Government by their order dated 26-5-1986 (Ex. 1) made the present reference referring the industrial dispute to this Tribunal. This present reference has been made about nine years after the discharge of the said workman from service.

11. Section 10(1)(d) provides that "where the appropriate Government is of opinion that any industrial dispute exists or is apprehended, it may at any time, by order in writing refer the dispute or any matter appearing to be connected with, or relevant to, the dispute, whether it relates to any matter specified in the Second Schedule or the Third Schedule, to a Tribunal for adjudication. Therefore, whenever the Government is of the opinion that any industrial dispute exists or is apprehended between the employers and the Union of workmen, it can refer the dispute for adjudication to an Industrial Tribunal at any time. So, no time limit has been fixed for making the reference to the Tribunal by the Government. The Only thing necessary is that the Government should be of the opinion that an industrial dispute exists or is apprehended between the parties. The Desk Officer of the Central Government, Ministry of Labour, stated in the order of reference dated 26-5-1986 (Ex. 1), "Whereas the Central Government is of opinion that an industrial dispute

exists between the employers in relation to the management of State Bank of India and their workmen in respect of the matters specified in the Schedule", and "whereas the Central Government, on reconsideration and after having given an opportunity to the Chief Regional Manager, State Bank of India, Kingsway Nagpur to express their views, consider it desirable to refer the said dispute for adjudication", the Central Government hereby refer the dispute in question to the present Industrial Tribunal No. 2, Bombay for adjudication under Section 10(1)(d) of the Industrial Disputes Act.

12. My attention was drawn on behalf of the Union to the decision of the Supreme Court in the case between Avon Services (Production Agencies) Pvt. Ltd. and Industrial Tribunal, Haryana, reported in 1979 (I), LLJ, page 1. In that case the Government firstly declined to make the necessary reference. However, it was thought fit to make the necessary reference for adjudication later on and this was held just and proper and that reference was held maintainable. It was held therein :—

"Merely because the Government rejects a request for reference or declines to make a reference, it cannot be said that the industrial dispute has ceased to exist, nor could it be said to be a review of any judicial or quasi-judicial order or determination. The industrial dispute may nevertheless continue to remain in existence and if at a subsequent stage the appropriate Government is satisfied that in the interest of industrial peace and for promoting industrial harmony, it is desirable to make a reference, the appropriate Government does not lack power to do so under S. 10(1), nor is it precluded from making a reference on the only ground that on an earlier occasion, it had declined to make the reference."

It was further held in that case :—

"It is not absolutely necessary that there ought to be some fresh material before the Government for reconsideration of its earlier decision. The Government may reconsider its decision on account of some new facts brought to its notice or for any other relevant consideration, and such other consideration may include the threat to industrial peace by the continued existence of the industrial dispute without any attempt at resolving it and that a reference would at least bring the parties to the talking table".

13. A similar view was held by the Supreme Court in the case between M/s. Western India Match Company Ltd. and the Western India Match Co. Workers' Union, reported in 1970(II) LLJ; page 256. It was held therein that :—

"The Government's function under S. 10(1) is administrative in character, as it could not presumably go into the merits of the dispute. Therefore it would be difficult to hold that the Government could not change its mind on reconsideration of the matter either because new facts had come into light or because it had misunderstood the existing facts or for any other relevant consideration and decide to make the reference. The principles of res judicata could not be imported in regard to the administrative functions of the Government in changing its mind to make reference after having once declined. The Government does not exhaust its power to refer when it refuses reference. It exercises it only when it refers a dispute for adjudication. So long according to the Government an industrial dispute exists or is apprehended the Government can make a reference irrespective of the fact that it declined reference at an earlier stage".

14. As noted earlier, the Desk Officer of the Government of India in his letter dated 13-11-1985 (Ex. 7) mentioned the reasons as to why the Government of India wanted to reconsider the matter, after the reference was firstly refused by them. I, therefore, find that the present reference is quite tenable in law, and it is not void, illegal or arbitrary, as contended on behalf of the Bank management. The Central Government was quite competent to make the reference of the industrial dispute under Section 10(1)(d) of the Industrial

Disputes Act, and as such the present reference made by the Central Government is quite valid, legal and tenable in law. Issue No. 4 is therefore found in the negative.

P. D. APSHANKAR, Presiding Officer  
[No. I-12012/285/84-D.II(A)/D. III(A)]  
P. V. SREEDHARAN, Desk Officer

नई दिल्ली, 8 अगस्त, 1989

का.प्र. 2066 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रनुसार में, केन्द्रीय सरकार इन्टरनेशनल एयरपोर्ट अथॉरिटी ऑफ इंडिया, नई दिल्ली के प्रबंधन से सम्बद्ध विवादों और उनके कर्मचारियों के बीच, प्रारंभ में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नई दिल्ली के पंचवट का प्रकाशित करती है, जो केन्द्रीय सरकार का 3-8-89 का प्राव है।

New Delhi, the 8th August, 1989

S. O. 2066.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of International Airport Authority of India, New Delhi and their workmen, which was received by the Central Government on the 3rd August, 1989.

#### ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
NEW DELHI

I.D. No. 92/87

In the matter of dispute between :

Shri Prem Shankar Madan,  
J-7/28, Rajouri Garden,  
New Delhi-110027.

Versus

The Manager,  
International Airport Authority of India  
Indira Gandhi International Airport,  
New Delhi.

#### APPEARANCES :

None—for the workman.

Shri R. S. Dalal—for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/16/86-D. II(B) dated 7th September, 1987 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of International Airport Authority of India New Delhi in terminating the services of Shri Prem Shanker Madan w.e.f. 12th March, 1986 is legal & justified? If not, to what relief the workman is entitled?"

2. The brief facts of the case of the workman as set forth in the statement of claim dated 19th October, 1987 are that he joined the services of the Management on 1st September, 1975 and had an excellent record of service and in recognition thereof he was deputed to Libya. After his return from Libya he reported to the Management on 11th September, 1987 but he was allowed to resume duty provisionally only on 15th September, 1987. In the mean time a post of Senior Auto-Mechanic had been created but he was mala fide kept out and the post was given to one Shri Balbir Singh, the workman as well as one T. N. Charan Singh challenged the said posting of Shri Balbir Singh in the Delhi High Court by way of writs. The workman was advised by the Management to go on leave with some vested interest and presumably to help Balbir Singh and to cause hardship to him. The workman was served with charge sheet dated 23rd March, 1985 on trumped up charges and he submitted his reply dated 8th April, 1985. An Enquiry Officer was appointed who conducted the enquiry without giving him any opportunity and without following the proper procedure and

without allowing him to be represented by a person of his choice, and in violation of the principles of natural justice. The workman made a representation to the General Manager of the International Airport Authority whereupon a fresh enquiry was ordered. However, no such fresh enquiry proceedings were initiated and instead his services were terminated vide order dated 15th May, 1986. It has been alleged that the action of the Management is in violation of the principles of natural justice as well as the provisions of section 25-F and 25-G and 25-H of the I.D. Act. Hence it has been prayed that the workman may be reinstated with continuity of service and with full back wages.

3. The Management in its written statement controverted the claim and allegations of the workman and submitted that the workman was sent on deputation for a period of two years but he over stayed by one year without any intimation to the Management. Therefore, the workman was allowed to resume duty provisionally w.e.f. 15th September, 1981 as necessary clarifications and informations were gathered before allowing him to resume duty. The post of Senior Auto Mechanic was filled up purely on temporary basis in the absence of the workman with a view to give opportunity to appear in trade test on return from Libya. On his return from Libya the workman was trade tested but he failed to qualify. Therefore, there was no mala fide intention on the part of the Management. Shri Dalbir Singh was appointed as Senior Auto Mechanic only after he had qualified in the trade test and the interview. The over stay of the workman was condoned by the workman and this showed that the action of the Management had been fair and bona fide. It was denied that the Management advised the workman to go on leave and it was submitted that it was the workman who absented himself unauthorisedly without any intimation and permission from the Management and thus misconducted himself. He was charge sheeted for misconduct. The enquiry was conducted according to principles of natural justice and the workman was afforded opportunity to prove his innocence and to defend himself and the procedure applicable to such enquiry was followed. He was also given opportunity to bring his representative but the workman, for reasons best known to him chose not to be represented by representative available to him as per the service rules. A *denovo* enquiry was ordered to be held against the workman but the workman started absenting himself without any intimation or prior permission from the management w.e.f. 12th March, 1986. Noticing the unauthorised absence of the workman, the management exercised its powers under the general service conditions and regulations and dispensed with his services, more than two months after his continued absence which amounted to abandonment of services. Management justified its action as legal and in accordance with the service conditions applicable to the workman and the law of the land.

4. Upto 31st October, 1988 the workman alongwith his representative had been puting in appearance. However, thereafter the workman started absenting himself and neither he put in appearance nor did his representative although as many as six adjournments were given. It appears that the workman has lost interest in this dispute. The Management has placed on record a number of documents which go to show that the workman is doing his own business under the name and style of M/s. Shanker Engineers which has been registered with the E.S.I vide insurance No. 3739930. The business interest of the workman appears to be the reason for his abandoning the employment of the Management and presumably because the Management has come to know of his business interest, he has lost interest in this dispute. Under the circumstances 'No Dispute' award is given and this reference is disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

24th July, 1989.

G. S. KALRA, Presiding Officer  
[No. L-11012/16/86-D. II(B)]D. III(B)]

नई दिल्ली, 11 अगस्त, 1989

का. मा. 2067:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में ओतन दास एंड कं., पाकुर के प्रबंधन से सम्बद्ध निजीकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनबाद सं. 1 के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार को 3-8-89 को प्राप्त हुआ था।

New Delhi, the 11th August, 1989

S.O. 2067.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Dhanbad I o. 1 as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Otan Das and Company, Pakur and their workmen, which was received by the Central Government on the 3rd August, 1989.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2A) of the Industrial Disputes Act, 1947

Reference No. 17 of 1987

#### PARTIES:

Employers in relation to the management of M/s. Otan Das and Co., Pakur, At and P.O. Pakur (Sahibganj).

#### AND

Their workmen.

#### PRESENT:

Shri S. K. Mitra, Presiding Officer.

#### APPEARANCES:

For the Employers—Shri J. D. Lal, Advocate.

For the Workmen—Shri Kabatul Sk, one of the concerned workmen and Md. Amin, General Secretary, Quarry Mazdoor Union.

STATE : Bihar.

INDUSTRY : Stone.

Dated, the 27th July, 1989

#### AWARD

The present reference arises out of Order No. L-29011/35/87-D. III(B), dated, the 28th September, 1987 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:

"Whether the action of M/s. Otan Das and Co. in terminating the services of S/Shri Kabatul Sk and Maraj Sk with effect from 22nd July, 1986 and 24th July, 1986 respectively is justified If not, to what relief the workmen are entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Dispute Act, 1947.

S. K. MITRA, Presiding Officer  
[No. L-29011/35/87-D. III(B)]

## FORM-H

(See Rule 58)

## Form of Memorandum of Settlement

Memorandum of Settlement arrived at between the Management of M/s. Ottan Das & Company, Pakur and the concerned workmen Sharvashree Kabutal Ek and Miraj Sk on 17th April, 1989.

## Name of Parties :

1. Representative of the Employers

Shri S. K. Gupta  
Manager

2. Representing workman

(1) Kabutal Sk.  
(2) Miraj Sk

## Short recital of the case

The concerned workmen namely Sharvashree Kabutal Sk. and Miraj Sk. were directed by the Management to work on alternative jobs of Drillmen on 10th July, 1986 but the concerned workmen refused to work on alternative jobs and also mis behaved with the Manager and staff. The Management terminated their services with effect from 22nd July, 1986 and 23rd July, 1986 respectively and thereupon the workmen raised an industrial dispute and the same was referred to the Central Government Industrial Tribunal No. 1 at Dhanbad for adjudication. However during the pendency of the dispute before the Tribunal the workmen approached the Management through Geuray Mazdooi Union, Pakur for amicable settlement of the dispute, which is settled finally on the following terms and conditions:—

## Terms

(1) The workmen concerned Kabutal Sk. and Miraj Sk. shall be paid a sum of Rs. 2,750 (Rupees Two thousand seven hundred fifty) only and Rs. 3,250 (Rupees Three thousand two hundred and fifty) only respectively in full and final settlement of their claim for employment and other monetary dues.

(2) The workmen concerned shall not claim any employment under the Employer.

(3) The workmen hereby acknowledge the receipt of the above sums and hereby all claims against the Employers are discharged.

(4) The employers however may consider their employment in future, if any need arises as a fresh hands.

(5) The concerned workmen have no other claim or claims arising out of dispute in Reference Case No. 17 of 1987 and all disputes between the Management and the workmen arising out of Reference Case No. 17 of 1987 have been resolved to the mutual satisfaction of both the Parties.

Signature or thumb impression of the workmen :

Sd/-

- (1) Kabutal Sk.

Sd/-

- (2) Miraj Sk.

Signature of the Witnesses .

Sd/-

- (1)

Sd/-

- (2)

Sd/-

Signature of the Employers  
representative.

Sd/-

Signature of the representative  
of the Union Present

का. भा. 2068.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण से, केन्द्रिय सरकार टूटिकोरिन स्टीवडोरस एसोसिएशन, टूटिकोरिन के प्रवन्धतंत्र सम्बद्ध नियोजकों और उसका कर्मकारा क बांच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक आधिकरण, मद्रास के पंचपट का प्रकाशित करता है, जो केन्द्रिय सरकार को 3-8-89 को प्राप्त हुआ था।

S.O. 2068.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tuticorin Stevedores Association, Tuticorin and their workmen, which was received by the Central Government on the 3-8-89.

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU  
MADRAS-104

Monday, the 3rd day of July, 1989

## PRESENT :

Thiru K. Natarajan, M.A., B.L., Industrial Tribunal.  
Industrial Dispute No. 82/88

[In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Tuticorin Stevedores Association, Tuticorin.]

## BETWEEN

The workmen represented by  
The General Secretary, Port Cargo  
Handling Workers Union,  
402, G.C. Road,  
Tuticorin-628001.

## AND

The Secretary,  
Tuticorin Stevedores Association,  
Indian Chamber Buildings,  
84-D, South Raja Street,  
Tuticorin-628001.

## REFERENCE :

Order No. L-44011/4/88-D. III(B), dated 21-12-88 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Tvl. R. Ganesan, S. Sathiyamurthy and R. Gowthaman, Advocates for the workmen and Tvl. P. Beppin Fernando, S. William and A. R. Nixon, Advocates for the Management upon perusing the reference and other connected papers on record and the workmen having filed a memo not pressing the dispute as settled out of court and recording the same, this Tribunal passed the following.

## AWARD

This dispute between the workmen and the Management of Tuticorin Stevedores Association, Tuticorin arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-44011/4/88-D. III(B), dated 21-12-1988 of the Ministry of Labour for adjudication of the following issue :

"Whether the action of the Management of Tuticorin Stevedores Association, Tuticorin in closing the call point on 17-9-1988 and not paying wages to the workers for that day is justified. If not, to what relief the workmen are entitled to?"

2. Parties were served with summons.

3. After several adjournments when the dispute was called to-day-both parties were represented by counsel. The Petitioner-Union filed a memo seeking to withdraw the dispute. It is recorded.

4. Hence this Industrial Dispute is dismissed as withdrawn as per memo filed by the Petitioner-Union. Award is passed accordingly. No costs.

Dated, this 3rd day of July, 1989.

K. NATARAJAN, Industrial Tribunal  
[No. L-44011/4/88-D.III(B)]

नई दिल्ली, 18 अगस्त, 1989

का. प्र. 2069-—प्रमाणिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 1 के अनुसरण में, केन्द्रीय सरकार भारत गोल्ड माइन्स लिमिटेड, के. जी. एफ. के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट प्रमाणिक विवाद के मे केन्द्रीय सरकार प्रमाणिक अधिकरण, बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार के 8-8-89 को प्राप्त हुआ था।

New Delhi, the 18th August, 1989

S.O. 2069.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Gold Mines Limited, K.G.F. and their workmen, which was received by the Central Government on the 8-8-1989.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT BANGALORE

Dated, 31st day of July, 1989

#### PRESENT : -

Shri B. N. Lalge, B.A. (Hons), LL.B.—Presiding Officer.

Central Reference Nos. 104/87, 105/87 and 106/87  
I Party in C.R. No. 104/87

Shri Chorinathan, Ex-employee of BGML.  
T. No. 9592, Machine Attendant-3,  
Door No. 77, 'G' Block,  
Champion Reef, P.G. Kolar Gold  
Fields-563 117.

I Party in C.R. No. 105/87

Shri S. Jagadish, Ex. T. No. 2103/142675,  
Machineman,  
Nandydoorga Mine, B.G.M.L.  
Gattakamand Halli,  
Kammasendra P.O., Bangarpet Taluk  
Karnataka.

I Party in C.R. 106/87

Shri Govinda Raj, Ex. T. No. 153,  
Machine Maistry, Nundydroog Mine,  
Bharat Gold Mines Limited, Door No. 32,  
Parande Halli, P.O.  
Soldaganahalli (Karnataka)

Vs.

The II Party in All the Above 3 cases

The Chairman-cum-Managing Director,  
M/s. Bharat Gold Mines Limited,  
Suvarna Bhavan, Gorgaum Post,  
K.G.F. 563 120 (Karnataka).

#### APPEARANCES :

For the I Party.—Shri M. C. Narasimhan,  
Advocate in all 3 cases.

For the II Party.—Shri K. J. Shetty, Advocate in  
all 3 cases.

#### AWARD

In C.R. No. 104/87

By exercising its powers under Section 10(1)(d) of the I.D. Act, the Government of India, Ministry of Labour made the present reference on the following point of dispute by its Order No. L-43012/17/84-D. III(B) dated 5th June, 1987.

#### Point of Reference

"Whether the dismissal of Shri Chowrinathan T. No. 9592, Machinery Attendant, BGML Town Administration Department, Nundydroog Mine, BGML on 17-1-1984 by the management of the Bharat Gold Mines Limited, Suvarna Bhawan, Gorgaum, Kolar Gold Fields is legal, proper and justified? If not, to what relief is the workman entitled?"

In C.R. 105/87

2. By exercising its powers under Section 10(1)(d) of the I.D. Act, the Government of India, Ministry of Labour made the present reference on the following point of dispute by its Order No. L-43012/18/84-D.III(B) dated 5th June, 1987.

#### Point of Reference

"Whether the dismissal of Shri S. Jagadish, Ex. T. No. 2103/142675, General Labour (Machine Man), Nundydroog Mine, BGML on 17-1-1984 by the management of the Bharat Gold Mines Limited, Suvarna Bhavan Gorgaum, K.G.F. is legal, proper and justified? If not, to what relief is the workman entitled?"

In C.R. No. 106/87

3. By exercising its powers under Section 10(1)(d) of the I.D. Act, the Government of India, Ministry of Labour made the present reference on the following point of dispute by its Order No. L-43012/16/84-D.III(B) dated 5th June, 1987.

#### Point of Reference

"Whether the dismissal of Shri Govindaraj, T. No. 153, Machine Maistry, Nundydroog Mines, BGML, KGF on 31-1-1984 by the management of the Bharat Gold Mines Limited, Suvarna Bhavan, Gorgaum, Kolar Gold Fields is legal, proper and justified? If not, to what relief is the workman entitled?"

4. In C.R. No. 104/87, on request made by the parties, an order has been passed on 27-10-1987 that common questions of fact and law are involved in these three cases and therefore they are clubbed together in the interest of justice and that there shall be common evidence and common award. Hence, a common award has been passed in all the three cases.

### Pleadings in all the three Cases

5. The pleadings in all the three cases are identical, except in C.R. No. 105/87 and 106/87, the names of Shri S Jagadish and Shri Govindaraj have been substituted.

6. The I party workman, in his claim statement states as follows :

He joined the service of the II party as a labourer on 16-11-1971. He had put in 13 years of service with good record. A chargesheet dated 3-7-1982 was issued to him, alleging that he had indulged in the theft of employer's property and was in unauthorised possession of property belonging to the company. He sent a reply, denying the charges. Alleging that the explanation was not satisfactory, the management ordered for an enquiry. He submitted to the management that since there had been a chargesheet by the police, filed in the court of JMFC, K.G.F., no parallel domestic enquiry should be held and that it would prejudice his defence. The Manager ought to have postponed the domestic enquiry. The charge of theft of the employer's property was admittedly not alleged to have been committed at the place of work of the I party or while coming out of the work spot. There was no complaint of theft by any of the officers of the II party. The incident is alleged to be of 17-4-1982, whereas the show-cause notice was issued on 3-7-1982. The show-cause notice was with reference to the police investigation under the Code of Criminal Procedure and the chargesheet filed before the magistrate. The show-cause notice was not based on any independent enquiry. The Enquiry Officer appointed by the management held a common enquiry against all the three workmen, though it was not so notified in the notice of enquiry. He was not justified in doing so. The enquiry was not held in accordance with law laid down in 1963 II L.L.J. page 392. The Enquiry Officer has followed a confusing procedure. After the I party workman had closed his defence, rebuttal evidence has been permitted in support of the charge. The Enquiry Officer followed a wrong procedure. It has resulted in miscarriage of justice. There was no fair play. The enquiry is in violation of principles of natural justice and standing orders. The Enquiry Officer was trying to correct the errors more than the Presenting Officer. The witnesses in support of the charge were mainly police officials. They depended on the two mahazar witnesses. The mahazar witness did not support the police version. The basis of the charge had disappeared. The Enquiry Officer has followed a strange procedure. After that, some police officials have been recalled and asked to identify the mahazar witnesses. The I party had little education. The I party was asked by the Enquiry Officer to enter into his defence after the management closed its side on 2-2-1983. He was asked to examine his witness. Perumal and Ganeshan were examined by him. Thereafter, some proceedings are recorded in regard to the sponge gold. Then, one Dwarakanath, Chemist has been examined without notice. Thereafter, one Dorairaj has been examined. Copies of documents were not given to the I party workman. The enquiry was a farce. It was done at the instance of local police. The police

case ended in acquittal. The findings are unreasonable. He is made a victim by the police. When the mahazar witnesses did not support, the management should have held him not guilty. The Enquiry Officer refused to see that the property alleged to have been seized was not proved to have belonged to the employer. It is prayed that he may be reinstated with consequential benefits.

7. The management has filed its counter statement and inter alia, it is stated as follows :

The action taken by the management is in accordance with the rules and it is justified. The I party has indulged in a grave act of misconduct. Chargesheet dated 3-7-1982 was issued to him, for having indulged in the theft of employer's property and for being in unauthorised possession of 2-1/2 grams of mining sponge gold ball, 3-1/2 grams mining sponge gold mixed with mercury 175 grams of sand mixed with sand gold along with other apparatus and it was seized under a mahazar from a room adjacent to the House No. 77, 'G' Block of Champion Reef Mine. The I party workman was arrested along with another two workmen, S. Jagadish and Govindaraj. The explanation offered by him was found to be unsatisfactory. A detailed enquiry was ordered. The II party has no connection with the chargesheet filed by the police before the JMFC. There is no bar for holding domestic enquiry as per the provisions of the standing orders for the act of misconduct committed by the workman independent of the judicial proceedings pending before any court. It is a fact that a chargesheet was issued to him, based on the complaint received from the police. It is not necessary that there should always be a complaint from the officials of the II party. If the workman is involved in a serious act of misconduct in the premises of the employer, nothing prevents the II party from taking action against him. The chargesheet was issued to him on 3-7-1982, since there was some correspondence between the management and the police for a copy of the mahazar and for permission to depute the police for the enquiry. On getting clearance from the police department, a show-cause notice was issued, on the basis of the complaining filed by the police. There was no need to wait for the outcome of the magisterial enquiry. There was nothing wrong for holding a joint enquiry. There was no objection by any of them for holding a joint enquiry. He had been given all the opportunity to produce his witnesses and his evidence and to cross-examine the management witnesses. The principles of natural justice were followed. It is incorrect that Enquiry Officer has followed a confusing procedure. It is denied that the Enquiry Officer has allowed the examination of the management witnesses, after the workman closed his side. It is incorrect that the Enquiry Officer tried to correct the errors of the management more than Presenting Officer. The Enquiry Officer has put some questions for certain clarifications. The Enquiry Officer has taken into account the material placed before him and has given his findings. Since the property involved in the case was produced before the court, the signatories to the mahazar were called to identify their signatures. The Chemist Dwarakanath was exami-

ned in the presence of the workman. Since he had weighed and valued the sponge gold, he was called as a witness. There was no objection for his examination. The I party said that he had nothing to cross-examine Shri Dwarakanath. Shri Dorairaj was examined as an independent witness and the I party was given opportunity to cross-examine him. Copies of the complaint and depositions were given to him. In a departmental enquiry, strict rules of evidence act are not applicable. The Enquiry Officer found him guilty. The acquittal of the workman in the criminal court has no bearing. The I party workman had indulged in the theft of sponge gold in the employer's premises where gold mining operation is carried out and the sponge gold belongs to the II party. If the enquiry is not held to be not fair, the II party may be permitted to adduce evidence. The reference may be rejected.

8. In all the three cases, the same preliminary issue as shown below has been framed.

"Whether the II party proves that it has held the domestic enquiry against the I party in accordance with the law?"

9. The said issue was taken up as a preliminary issue.

10. The management examined the Enquiry Officer and got marked Exs. M-1 to M-27.

11. For the workman the judgement in C.C. No. 1086/82 of the Criminal case was got marked as Ex. W-1.

12. The parties were heard on the said issue.

13. By a considered order dated 12-2-1988, the enquiry was set aside, on the ground that it was not conducted in accordance with the law. The management was permitted to adduce additional evidence and prove its case.

14. Thereafter MW-2 to MW-8 have been examined and documents have been marked from Ex. M-28 to Ex. M-43.

15. The three workmen have been examined as WW-1, WW-2 and WW-3 and documents have been marked from Ex. W-2 to Ex. W-4.

16. The parties have been heard.

17. In addition to the oral arguments, the learned counsel for the I party has filed notes of arguments dated 22-5-1989.

18. My findings on the points of reference are as follows :—

In C.R. No. 104/87

19. The dismissal of Shri Chowrinathan T. No. 9592, Machinery Attendant, BGML Town Administration Department Nundydroog Mine, BGML on 17-1-1984 by the management of the BGML is legal, proper and justified. The workman is not entitled to any relief.

In C.R. No. 105/87

20. The dismissal of Shri S. Jagadish, Ex. T No. 2103/142675, General Labour (Machine Man), Nundydroog Mine, BGML on 17-1-1984 by the

management of BGML is legal, proper and justified. The workman is not entitled to any relief.

In C.R. No. 106/87

21. The dismissal of Shri Govindaraj, T. No. 153, Machine Maistry, Nundydroog Mines, BGML, KGF on 31-1-1984 by the management of BGML is legal, proper and justified. The workman is not entitled to any relief.

### REASONS

22. Ex. M-3, M-4 and Ex. M-5 are the charge-sheets (show-cause notices) issued by the II party to these three workmen. They are identical. They read as follows :

"It is reported that you have indulged in theft of employer's property and in unauthorised possession of property belonging to the Company, in that on 17-4-1982 at about 3.45 P.M. during rounds of the Sub-Inspector of Police, Champion Reefs, KGF, accompanied with the Circle Inspector of Police, Champion Reef, KGF found you in unauthorised possession of 2-1/2 gms. of Mining sponge gold ball, 34 gms. of mining sponge gold mixed with mercury, 175 gms. of sand mixed sponge gold along with other apparatus and the same were seized under a mahazar from a room adjacent to the house to D. No. 77 'G' Block, Champion Reefs and arrested you along with S/Shri V. Govindaraj, T. No. 153 and Shri Jagadish, T. No. 2103.

23. Since the management alleges that these three workmen committed acts of misconduct punishable under standing Order 15(b)(23) and 15(b)(34), it would be convenient if the said provisions are reproduced here.

### 15. DISCIPLINARY ACTION FOR MISCONDUCT

(a) xxx xxx xxx

(b) The following acts of commission and omission shall be treated as misconduct :

(23) Unauthorised possession/use of any property, machinery, tools or land belonging to the Company.

xxx xxx xxx

(34) Theft or abetment of theft, fraud or dishonesty in connection with the employer's business or property, including mining materials as defined in the Mysore Mines Act.

24. Soon after the pleadings were filed, as described above, a preliminary issue regarding the validity of the domestic enquiry was raised and evidence adduced by both the parties and arguments advanced by them were considered and a considered order dt. 12-2-88 was passed, setting aside the domestic enquiry. The II party was, however, permitted to adduce the additional evidence and prove its case.

25. On 16-12-1987, the I party has produced a xerox copy of the judgment in C. C. 1086 of 1982 dated 5-3-1987 of the court of the Civil Judge and JMFC, Kolar Gold Fields.



26. The learned counsel for the I party strongly contended before me that the charge before the criminal court was based on the same set of facts and evidence, as the chargesheets issued by the management have been sought to be proved before this Tribunal and since the criminal trial has ended in acquittal, the management cannot claim to have proved the misconduct of the workmen before this Tribunal. He further contended that in any event the judgement, Ex. W-1 is a material piece of evidence, which should weigh while appreciating the evidence on record.

27. The learned counsel for the I party has filed a detailed note of arguments. The said notes reiterate the oral submissions made before me.

28. Since the question whether the judgement, Ex. W-1 entitles the three workmen to claim that, it is binding, is a question of law, on which a number of authorities have been cited, it would be appropriate to deal with the said question in the first instance. Indeed, if the said judgement, Ex. W-1 is to prevail, further discussion of evidence placed before me would be futile, hence the said question is taken up for discussion in the first instance.

29. The relevant facts which are essential to appreciate the aforesaid contentions can be summarised as follows.

30. The chargesheets issued to the three workmen, Exs. M-3, M-4 and M-5 are dated 3-7-1982. The three workmen had submitted their explanations to the same. The management found that the explanations were not satisfactory. Then the management issued them the notices of enquiry as per Exs. M-1, M-2 and the documents at page 42. (page 42 of the enquiry file). MW-1 the Enquiry Officer Stephen commenced the enquiry on 21-7-1982, as per Ex. M-6. The plea of the workmen was recorded on 2-8-82, as per Ex. M-7. They pleaded not guilty. The management closed its side before the Enquiry Officer on 17-2-1983. The three workmen commenced their evidence before the Enquiry Officer and each of them examined himself before the Enquiry Officer. The workman Chowrinathan gave his evidence before the Enquiry Officer on 18-2-83, as per Ex. W-2. The workmen S. Jagadish and Govindaraj gave their evidence before the Enquiry Officer on 22-2-83, as per Exs. W-3 and W-4. MW-1 the Enquiry Officer submitted his report, Ex. M-9 on 31-8-83. The disciplinary authority accepted the report and issued the second show-cause notice, enclosing a copy of the report to the three workmen, as per Exs. M-10, M-11 and M-12 dated 19-9-1983. They replied as per Exs. M-13, M-14 and M-15. The Management proposed the punishment of dismissal against all the three workmen in Exs. M-10 to Ex. M-12. The three workmen submitted their explanation as per Exs. M-13, M-14 and M-15 dated 17-11-1983. The point raised by the workmen in Exs. M-13, M-14 and M-15 is that the criminal trial was pending before the JMFC that they should be given an opportunity to prove their innocence before that court and therefore the further proceedings should be held up as long as the criminal court decides the said case. It requires to be noted, at this juncture that the request for stay of further proceedings

was made after the domestic enquiry had been closed and the Enquiry Officer had given his report and when a second show-cause notice proposing the punishment of dismissal had been already served on them. From the documents at pages 259 to 261 of the enquiry file, it is evident that the management rejected the request of the workmen for dropping the further proceedings on the ground that the enquiry had been conducted as per the principles of natural justice, giving them ample opportunity to defend themselves and that the action had been proposed on accepting the findings of the Enquiry Officer. The management had, however granted them ten days time to submit their explanations to the second show-cause notice issued as per Exs. M-10, M-11 and M-12. The three workmen have then submitted their detailed explanations, as per Exs. M-19, M-20 and M-21 dated 29-9-1983. The management was not satisfied with the said explanations and the orders of dismissal were passed as per Exs. M-16, M-17 and M-18 dated 17-1-84. The record shows that the three workmen had preferred appeals dt. 8-2-1984 to the Chairman-cum-Managing Director to be found at pages 274, 275 and 276 of the enquiry file. The Managing Director rejected their appeals by considered orders dated 30-3-1984 as per Exs. M-22, M-23 and M-24. In the meanwhile, soon after the orders of dismissal dated 17-1-84 were passed as per Exs. M-16, M-17 and M-18, the management had issued show-cause notices as per Exs. M-25, M-26 and M-27, as to why the gratuity should not be forfeited, as per Section 4 (6) (b) (ii) of the payment of Gratuity Act 1972. After the dismissal of their appeals by the Managing Director, the three workmen raised an industrial dispute before the Conciliation Officer and ultimately there are these references of June 1987. The three I party workmen have filed identical claim statements dt. 16-9-1987.

31. The court of the J.M.F.C., K.G.F. has pronounced the judgment in C.C. No. 1686/82 on 5-3-1987 and it is obvious that it was long after even the dismissal of their appeals on 30-3-84.

32. The chargesheets issued to these workmen have been already set out at the commencement. Ex. M-29 is the F.I.R. submitted to the court. The F.I.R. states that on 17-4-1982 at about 3.45 p.m. the accused were found in unlawful possession of mining sponge gold, i.e. to say A1 had 2½ grams, A2 was having mercury mixed with mining sponge gold of 3½ grams and A3 was having gold bearing sand weighing 175 grams and that all the three were found in a room adjacent to house No. 77 of 'G' Block, Champion Reefs, K.G.F. Then further details are given as to how there was the raid, in what manner they were caught red-handed and how the properties were seized and mahazar was drawn-up and they were brought to the police station. Ex. M-30 is the chargesheet placed before the criminal court. The accusation against the accused was that on 17-4-82 at about 3.45 p.m., they were found in unlawful possession of the mining property, i.e. to say A1 was having sponge gold ball of 2½ grams, Accused No. 2 was having mercury mixed with mining sponge gold and Accused No. 3 was having gold bearing sand of about 175 grams and all of them were found in a room adjoining house No. 77 of 'G' Block of Champion Reefs and that the same was seized and that



thereby they committed the offences under Sections 6 and 13 of the Karnataka Mining Act. Sections 6 and 13 of the Karnataka Mining Act read as follows:

#### PROTECTION OF MINING PROPERTY

4. XXXX XXXX XXXX

5. XXXX XXXX XXXX

6. Any person found to be in possession of any mining material without the written permission of a Mining Proprietor or Superintendent, and unable to prove that his possession of the same was obtained in a lawful manner, shall, on conviction before, a Magistrate, be liable to the penalty provided in Section 13.

7. XXX XXX XXX  
XXX XXX XXX

13. Any person committing an offence under section 5, 6, 7, 11 or 12 shall, except in the case mentioned in the proviso to sub-section (3) of Section 10, be liable on conviction to fine not exceeding five hundred rupees, or imprisonment of either description for a term which may extend to one year, or both.

33. As is obvious from Section 6, reproduced above, the prosecution was called upon to prove in the criminal case that these three workmen were found in possession of Mining material without written permission of the Mining Proprietor or the Superintendent and unable to prove that their possession was obtained in a lawful manner. The main reasons for acquittal, as could be found from Ex. W-1 are that there was only the evidence of PW-3, the P.S.I. that the occupant of the house, said to be one Dorairai had neither been cited nor examined before the court and that it was not safe to accept the interested testimony of PW-3, the P.S.I. It is obvious from Ex. W-1 that the learned magistrate gave them the benefit of doubt.

34. In the accusation, set out in the criminal court against these accused, there were no such ingredients of misconduct, as could be found in Standing Order Nos. 15 (b) (23) and (34). Keeping in view the aforesaid distinct features of the chargesheets, issued by the management, on the one hand and the accusations framed against them in the criminal court, it would be appropriate to take into account the principles laid down in the authorities cited for the I party.

35. From paragraphs 5 to 13 of the notes of arguments, it has been repeatedly stated that the judgment at Ex. W-1 precludes the management to claim that it can endeavour to establish or that it has established the guilt of the workmen as per Standing Orders 15 (b) (23) and (34).

36. In the list of authorities produced by the I party along with the xerox copies, the first authority cited is of Bombay Steel Rolling Mills Ltd. Vs. Khemchand Rajkumar Steel Mill and Paharpur Yards Labour Union, Calcutta (1964 (2) LLJ page 120). The facts of the reported case would show that on 4-5-1957 there was an agreement between the Union

representing the workmen and the four companies before the Conciliation Officer to the effect that if the cases of workmen ended in conviction, they shall be dismissed and if they end in discharge or acquittal or dropped, they shall be reinstated with full benefits etc. Their cases were disposed of on different dates, such as 29-7-1958, 31-7-1959 and 27th January 1960. All the cases ended in acquittal. On facts, the Hon'ble Supreme Court found that the story of the workmen that they went to the factory claiming reinstatement at any time before April 1960 was not true. Under the said set of circumstances, it has been held that the order of reinstatement cannot be sustained and so also the order for payment of suspension allowance. There is an obiter that apart from the settlement, there would be a good case for their claim of reinstatement, as soon as they had been acquitted. The obiter cannot be relevant, if there had been issue of a chargesheet or a domestic enquiry or an affirmative and finding the Enquiry Officer and the dismissal of the workmen by the management before the order of acquittal by the criminal court, the obiter is not at all attracted in the context of the facts and circumstances of the present case.

37. The second authority referred to in the list of authorities is that of Workmen of Uttar Pradesh State Electricity Board and another Vs. Upper Ganges Valley Electricity Supply Company and others (1966 Vol. I LLJ page 730). The facts of the reported case indicate that the services of certain employees against whom criminal cases were pending were not transferred from the Electricity Company to the Electricity Board and they were dismissed by the Company when the criminal case found them guilty of the charges and the Company had not held any enquiry against them. The employees had filed appeals against the conviction and had asked the company to reinstate them but the company did not accede. Then the matters were referred to the Tribunal for adjudication. The Industrial Tribunal found that the dismissal was wrongful. In the body of the judgment the following facts require particular attention. On 28th June, 1956, there was a riot in the premises of the Company and one Saxena had received injuries and lost his life. A criminal case was started against many persons including one Sharma. On 27-3-1957, he was convicted by the Sessions Judge. Mr. Sharma preferred an appeal on 26-3-1957. On 29-3-1957, the engineer of the company served a notice on him, terminating his service with immediate effect. These facts thus indicate that the employee Mr. Sharma had been dismissed on 29-3-1957, without holding any domestic enquiry, but only on the ground that he had been convicted by the learned Sessions Judge on 21-3-1957. On 13-5-1958, the Hon'ble High Court accepted his appeal and acquitted him. Although he was acquitted, the management did not reinstate him, on 5-9-1959. It is thus obvious that without any domestic enquiry, the employee had been dismissed and had not been reinstated, even though the conviction, for the reason of which, he was dismissed had been set aside by the Hon'ble High Court. The facts of the case at hand, as the foregoing narration makes it evident are entirely different. It is not conceivable as to how the principle laid down in the authority can be pressed into service for the present case where-

in the three workmen had been dismissed after a full fledged domestic enquiry. The mere fact that this court did not find that the said domestic enquiry was in accordance with the regular procedure does not make the domestic enquiry non-existent. It is pertinent to note that in the reported case the Tribunal had held that the dismissal of Sharma was improper, not only for the reason that the procedure contemplated in the standing orders was not valid but also for the reason that after the acquittal there was no valid reason for the management for not re-employing him. These facts culled out from the reported case would make it quite obvious that the principles laid down in the authority have no bearing at all.

38. The next authority referred to by the I party is of K. Nagarajan Vs. Divisional Engineer, Phones, Trichy [1986 (3) (CAT)] page 235.

The learned counsel for the I party did not point out any provision of law or precedent as to how the judgement rendered by the Central Administrative Tribunal is binding on this Tribunal. However, the rule stated is that when there is the acquittal by a criminal court, the disciplinary authority has power to proceed, but it should consider whether it is worthwhile to do so. It is further stated that if in the departmental enquiry there are the same facts, documents and the same witnesses as in the criminal case, the departmental enquiry would be futile. It cannot be forgotten that before a criminal court, the prosecuting agency is the state and not the management of the II party. The management has absolutely no role to play in a criminal case. It is not a party to the criminal case. It is not discussed as to how a previous judgement not between the parties would bind a third party, when admittedly the judgement is not in rem. It is not explained as to which of the provisions of sections 40 to 44 of the Evidence Act are attracted. Even otherwise, the facts of the reported case would show that the principle laid down has absolutely no application. The appellant employee had been acquitted by the C.J.M. on 27-3-81. At the time of acquittal, he was still in service but after the acquittal on 27-3-81, a charge memo was issued to him on 28th April 1982 and thereafter an enquiry was ordered.

39. Reference has been made to the case of Corporation of Kanpur Vs. Ramachandra (AIR 1984 S.C. page 626), wherein it has been held that even after acquittal, the management can proceed with the pending enquiry, if there is sufficient evidence and good grounds to do so. The Tribunal, as could be made out from the reported case, found that there was overwhelming evidence in favour of the applicant in the court of the magistrate and therefore it was futile to go through the departmental enquiry. In the case at hand, if only four witnesses had been examined before the criminal court long after the closure of the domestic enquiry, the witnesses examined in the domestic enquiry were the police constables Stainless, H. C. Krishnoji Rao, P.S.I. Babadursab, Panchas Thangavelu and P. Swamikannu and Assayar Dwarakanath. After the domestic enquiry was set aside the management has examined before this Tribunal MW-2 to MW-8. Under such circumstances, it would be travesty of truth, if it is to be said that the evidence before the criminal court was the same as it was before the Enquiry Officer or before this Tri-

bunal. I am, therefore, of the view that the judgment of the Central Administrative Tribunal is of no avail.

40. The I party has then referred to the case of Mohinder Pal Vs. State of Punjab and others [Vol. No. V-1987 (2)] of All India Services Law Journal Page 8. The rule laid down in the authority is that since the departmental rules do not provide for an enquiry after acquittal except in given cases, the management was not justified in saying that it had a right to hold an enquiry on the plea that the witness Basta Singh was won over. Since the management had relied upon rule 16.3 of the Punjab Police Rules 1934 and since the authority is with reference to the said rule, it has no bearing. Secondly, in the case at hand, not only the enquiry had been ordered long before the acquittal but also it was held, the findings of the Enquiry Officer were accepted, the management had dismissed them and even their appeals had been dismissed. No question of the management proceeding with a domestic enquiry after the acquittal arises in the present case and the case law has no bearing at all.

41. The learned counsel for the I party has then referred to the case of Hukam Singh Saini Vs. Commissioner of Police and others [1987 (2) (CAT) page 495]. It is a citation from the Central Administrative Tribunal, Delhi. The authority is again with reference to Rule 12 of the Delhi Police Punishment and Appeal Rules, 1980 and it has been stated that Departmental proceedings in respect of a charge which had earlier formed the subject matter of a criminal prosecution and had ended in acquittal cannot be sustained. The judgement of the criminal court showed that the none of the prosecution witnesses had turned hostile and in that context it has been observed that Rule 12 of the said rules was not attracted. The case at hand requires to be examined with reference to the Standing Orders of the II party and a case law which is with reference to the rules of the Delhi Police cannot be said to apply. Secondly, it is reiterated that it is not a case where the management intended to hold a domestic enquiry after the acquittal of the workmen by the criminal court. I am of the view that the authority does not help the I party workmen.

42. The case of Jeevan Prakash Pandurang Mokashe Vs. State Bank of India and Another (1985 II L.L.J. page 145) has been then referred to by the I party. In the reported case, it is to be found that the employee had been convicted by the Sessions Judge Vardha and he had preferred criminal appeal No. 359/1968. He had undergone the sentence of 4 years before his appeal was disposed on 10-1-73 and he was acquitted. Thereafter, he made a representation for reinstatement and he was reinstated on 11-8-1973. Nearly, two years thereafter a chargesheet was issued to him and the management proposed to hold a domestic enquiry. Since the bank intended to proceed with the enquiry, the employee approached the Hon'ble High Court for writ of prohibition and he relied upon Clause No. 521 (2)(d) of Desai Award. While considering the case of the employee with reference to the said provision of the Desai Award, the Hon'ble High Court of Bombay held that having once decided to reinstate him after acquittal, the bank had become powerless to initiate disciplinary action on the same facts. There is no relevancy to Para 21 (2) (d)

of Desai Award for the case at hand and there is no case of any reinstatement of the three workmen after any such acquittal. Before this Tribunal, the additional issue, which was taken up as a preliminary issue on the validity of domestic enquiry was framed on 19-10-1987. The management commenced its evidence on 27-10-1987. The arguments on the preliminary issue were concluded on 16-10-1987. A considered order, holding that the Domestic Enquiry has not been conducted in accordance with the principles of natural justice was passed on 12-2-88 and by the same order the II party was permitted to adduce evidence and prove its case, as shown in the chargesheets. As observed earlier, the judgement of acquittal of the learned magistrate, K.G.F. is dated 5th March 1987. If at all it is the contention of the I party that the entire domestic enquiry becomes non-est, soon after it is set aside by this Tribunal and if the judgement of the learned magistrate rendered in the meanwhile prevented or operated as issue estoppel against the management, nothing prevented the I party contending before this Tribunal that no evidence need be regarded and that Ex. W-1 the judgement should be accepted straightway and that the three workmen be held no guilty and an award should be passed. It is not the case of the I party workmen that they ever approached any civil court of any injunction or that they approached the Hon'ble High Court of Karnataka for a writ of prohibition or that they ever approached any other authority under any other law contending that the I party management is prevented from adducing any evidence and claiming any finding at the hands of this Tribunal regarding the chargesheets, for the reason that the entire domestic enquiry became non-est soon after it was set aside and the management cannot endeavour to adduce and prove the charges levelled long before the judgment of the criminal court. On the other hand, the principles laid down in the case of some workmen of Firestone Rubber and Tyre Company Vs. the Management, (S. C. Labour judgments 1950—83 Vol. 7 page 512) show that the management has a right to adduce evidence in a case where the domestic enquiry is set aside by a Tribunal or a court to be not in accordance with the principles of natural justice. It is indeed difficult to appreciate the line of argument as to how the case of an employee against whom a domestic enquiry had been commenced two years after the acquittal on the strength of a Clause of Desai Award can be made applicable to the case at hand, wherein sincere and honest attempt had been made by the management to hold a valid enquiry against the workmen but on some procedural aspect, it has been set aside by this Tribunal and the management has been granted leave to adduce evidence and establish its case. To put it in a nutshell, the action of the management to initiate or to hold a domestic enquiry on the same set of facts and circumstances on which the employee had been already acquitted by a criminal court stands entirely on a different footing than a case wherein the management has actually held an enquiry and dismissed the accused in accordance with the provisions of the standing orders long before the acquittal, even if it is supposed that the facts and circumstances of the case before the Enquiry Officer and criminal court were practically the same, which is not the case at hand. I am, therefore, of the view that the authority is of no assistance to the I party to show that the judgement

Ex. W-1 is binding and on the basis of the same an award in favour of the workmen should ensue.

43. The I party has then referred to the case of Kusheshwar Dubey Vs. M/s. Bharat Coking Coal Ltd. and others (1989 LAB. I. C. page 38). The gist of the principles laid down in the authority are as follows :—

- (1) There is no legal bar for simultaneous proceedings being taken against the delinquent employee.
- (2) There may be cases wherein it would be appropriate to defer disciplinary proceedings, awaiting disposal of the criminal case.
- (3) In the latter class of cases, it is open to the employee to seek such order of stay or injunction from the court of a competent jurisdiction.
- (4) Whether in the facts and circumstances of a particular case there should be or should not be simultaneity of the proceedings, would then receive judicial consideration and the court will decide in a given circumstances of a particular case as to whether the disciplinary proceedings should be inter-dictate, pending criminal trial.
- (5) It is neither possible nor advisable to evolve a hard and fast and straight jacket formula valid for all cases and of general application, without recording particularities of an individual situation.

In view of the facts and circumstances of the reported case, their lordships found that the disciplinary proceedings were grounded upon the same set of facts and therefore the proceeding could be stayed.

It is not the case of the I party workmen either in their claim statements or in their evidence that at any time before they were called upon to explain as to why they should not be dismissed by the second show-cause notice, as per Exs. M-10, M-11 and M-12 dated 21-9-1983, they ever made any grievance either to the management or to the Enquiry Officer that unless and until the criminal case was decided, the management should not proceed with the domestic enquiry. The contents of the charge sheets on the one hand and the accusations made against the workman in the chargesheet placed before the criminal court on the other hand, when read in between the lines, it would be as clear as day light that they are not the same. The ingredients of the offence the misconduct are different, the evidence intended to be placed before the authority or the court was different, the prosecuting agency was different, the provisions of law under which the offence was made punishable or the misconduct was alleged are different. Even, if it is supposed that the I party workmen had raised any grievance in that connection, it is evident that the management had no obligation to withhold the enquiry until the criminal court delivered its judgement. It is for the first time in their explanations to the second show-cause notice Exs. M-13, M-14 and M-15 dated 17-11-83, after the management had

accepted the findings of the Enquiry Officer and proposed to dismiss them that they have contended that further proceedings should be withheld, until the criminal court decided the matter. In my view, the II party management was justified in not conceding to their prayer and in their proceeding further with the disciplinary action.

Nothing prevented the I party workmen from visualising the principles laid down in 1988 as long back as in 1982 when the chargesheets were issued to them and approach a court of law for the stay of domestic enquiries. Vain is the attempt to place reliance on an authority rendered in 1988, in regard to a domestic enquiry initiated by a management in 1982 and completed and final orders passed long before rendering of judgement by the criminal court in March 1987. It is thus patent, that even otherwise the principles laid down in the authority do not support the view that Ex. W-1 is binding and the I party workmen are entitled to an award irrespective of the evidence adduced by the II party before this Tribunal.

44. The next case law referred to by the I party is of Venkatachala Shetty Vs. State of Karnataka (1986 II L.L.J. page 464). The principles laid down in the Authority are with reference to Sections 161 of the P. P. C. and Section 5-A of the Prevention of Corruption Act. In para 6 of the order, the Hon'ble High Court of Karnataka has held that connotation of acceptance of illegal gratification, as defined in the aforesaid two acts may safely be adopted, as it cannot be different in the departmental enquiry to prove misconduct. With reference to the facts of the case, it has been further held that the finding that Ganga was an agent was based on inferences and conjectures and in the absence of Ganga or the petitioner admitting his relationship between himself and Ganga, the misconduct had not been proved. In order to obviate the said difficulty, the misconduct alleged against these workmen in the domestic enquiry and also the accusations put to them in the criminal court have been set out and on going through the same. I find that it cannot be said that the ingredients are identical or the same. In the judgement Ex. W-1 there is absolutely no reference to the standing orders of the II party and indeed there cannot be any reference because in that trial, the II party did not come into picture at all. Theft is not an ingredient in the chargesheet placed before the criminal court. In the enquiry the misconduct was in respect of employer's property or possession or use or unauthorised use of any property of the employer, for instance the room adjoining house No. 77 'G' Block. It was not a question involved in the criminal case. Fraud or dishonesty in connection with the employer's business was not a subject matter of the criminal trial. Under such circumstances, by no stretch of imagination, it can be said that the ingredients of the offences alleged in the criminal court were the same or similar to the ingredients of the misconduct alleged in the chargesheets at Exs. M-3, M-4 and Ex. M-5. A judgement rendered with special reference to the facts of the particular case wherein the connotation of acceptance of illegal gratification was identical, cannot be made applicable to the case at hand, where the ingredients of the chargesheets issued by

the management are entirely on a different footing than the accusations made in the criminal court. In my view the principle laid down in the authority has no bearing.

45. The learned counsel for the II party, on the other hand referred to the case of J. K. Cotton Spinning and Weaving Co. Ltd. Vs. The Workmen [1965 II L.L.J. (S.C.) page 153]. The judgement is of the full bench, consisting of five Hon'ble Judges. The principle laid down in the authority is that the principles of natural justice do not require that the employer must wait for the decision of a criminal case or an appeal before proceeding with a domestic enquiry. Nothing has been pointed out for the I party that there is any such decision of a larger bench of the Hon'ble Supreme Court of India, whereby the principle laid down in this authority has been overruled.

46. The principles laid down in the aforesaid authorities, thus, do not support the contention of the learned counsel for the I party made in para 6 of the notes of argument that the acquittal of the I party workmen in the criminal court is binding on this Tribunal. The statement made in para 6 of the notes that since Clause 16 (39) it should be 15 (39) of the Standing Orders empowers the management to dismiss an employee, if he is convicted by a court of law for an offence involving moral turpitude, indicates that if an employee is not so convicted, he cannot be dismissed, does not stand to scrutiny. The authority of the workmen of Firestone Tyre and Rubber Co. supra runs contrary to the said statement. The contention in para 8 of the notes that in the light of the provision of Standing Order (16) (b) (39) even if the employee is acquitted on account of benefit of doubt, the employer cannot dismiss him, because he is bound by the decision of the criminal court, is not sound.

47. From the authority of J. K. Cotton Spinning and Weaving Co. Ltd. Vs. the Workmen [1965 II LLJ (S.C.) page 153], it is evident that a dismissal based on the finding of guilty of the charge of theft in a domestic enquiry held earlier, is sustainable in spite of the conviction of the trial court.

48. In the case of State of A.P. Vs. Rama Rao (AIR 1963 S.C. page 1723), the Hon'ble S.C. has laid down that the judgement of the criminal court would not always be regarded as binding in a departmental enquiry. The opportunity given to the employer to adduce evidence before this Tribunal is a substitute to the domestic enquiry held by the management, which has been set aside for a procedural lapse.

49. I cannot but reiterate that there is a world of difference between the case where the management has held no enquiry and the employee has obtained an acquittal and then the management intends to initiate disciplinary proceedings and punish him and a case where the management has actually held an enquiry, found him guilty and punished him and then the criminal court has acquitted the employee.

50. In the light of the principles enunciated in the aforesaid authorities, I am of the view that the contentions raised by the I party in the notes and paras (6) (2) (10) are not sustainable.

51. From the evidence placed before me, it requires to be examined whether the II party management has established the charges levelled against these three workmen.

52. In order to appreciate the evidence placed record, it would be appropriate to see as to what was the case propounded by the management before the Enquiry Officer and the case as put forth by these workmen before the Enquiry Officer in the domestic enquiry.

53. Before the Enquiry Officer, the case of the management was that MW-2 Bahadursab, C.P.I. Mumthaze Ahamed, MW-2 Head constable Krishnoji Rao, MW-4 Police Constable Stanisless and other members of the staff while on rounds received credible information and then they secured panches and raised the room adjoining Door No. 77 of 'G' Block and found that all the three workmen were inside and that each of them had mining material and money and that the same was seized under a mahazer and the three workmen and the properties were brought to the police station and further action was taken.

54. The three workmen have adopted the statements given before the Enquiry Officer as their evidence before this Tribunal also. In the examination-in-chief, of the three workmen their statements made before the Enquiry Officer have been got marked as Exs. W-2, W-3 and W-4. The gist of their case is that the workman Chowrinathan was taking rest in that room with only one lungi on his body and at that time two persons suddenly entered into the room. He recognised one of them as P. C. Stanisless and further learnt that the other person was Krishnoji Rao. He thought that they had gone for collection of some contribution for a festival. Then two others came. He thought that those two others had come there in connection with some money transaction with his brother Dorairaj. Head Constable Krishnoji Rao was having a cotton bag in his hand and it contained some ball like bundled. The two policemen enquired with them they had money lending business. The latter denied. The two policemen, however, took the three workmen to the police station and at that time also Krishnoji Rao was having the cotton bag with him containing the said articles. At the police station, some documents were prepared and the P.S.I. compelled them to sign on them and thereafter they were released on bail.

55. There is virtually no change in their rival contentions before this Tribunal also. Indeed, both the parties have endeavoured to adduce some more evidence.

56. As has been described earlier, the earliest written explanation given by the workmen and placed on record is dated 29-9-1983 as per Exs. M-19, M-20 and M-21. These are the explanations given by them. There is not a whisper in Exs. M-19, M-20 and M-21, that the property alleged to have been found with him in that room was not

mining material, or that, it did not belong to the II party, B.G.M.L. They have harped on the contention that they have no concern with any alleged property. In addition, they have contended that if any property was seized on that day, it was the property that had been brought in a cotton bag by Head Constable Krishnoji Rao. In Exs. M-19, M-20 and M-21, the prayer made by the workmen to the management is to drop their cases or to grant time for three months, so that the workmen can go to the High court and obtain necessary orders. There is no dispute on the point that the management refused their request by a letter dated 30-10-1983. The workmen then again made a prayer to stay the proceedings by letters Exs. M-13, M-14 and M-15 dated 17-11-1983. Even in these letters of 17-11-1983, there is not a word that the property alleged to have been seized on that day was not the employer's property or the mining material as defined in the Karnataka Mines Act. As observed earlier, the management was not satisfied by their statements made in Exs. M-13, M-14 and M-15 and dismissed them from service as per Exs. M-16, M-17 and M-18. The workmen pleaded that the order of dismissal is illegal by their letters dated 11 of February 1984. The letters are in the enquiry file at pages 274, 275 and 276. Those letters were taken as appeals by the Chairman cum Managing Director and the appellate orders are to be found at Exs. M-22, M-23, and M-24. In these appeal petitions also, the three workmen did not raise any contention that the property alleged to have been seized on that day did not belong to the B.G.M.L. or that it was not the mining material. Admittedly they should have raised the dispute before the Conciliation Officer. It is not the case of the workmen that in the claim petition filed before the Conciliation Officer, they have raised any such dispute contending that the property alleged to have been seized was not the employer's property or the mining material. No attempt has been made to get the conciliation record before this Tribunal. Thereafter, the orders of reference dated 5-6-1987 have been made. As is obvious from Ex. W-1 before the orders of reference were made the three workmen have been acquitted by the criminal court in C.C. No. 1086/82 on 5-3-1987. The workmen have themselves produced and strongly relied upon Ex. W-1. Ex. M-42 and M-43 are the statement recorded by the learned magistrate under Section 313 of the Cr. P.C. showing the evidence adduced against them and giving them an opportunity to explain about the said evidence neither in Exs. M-42 and M-43 dated 5-3-1987 nor in Ex. W-1, the three workmen raised any contention that the alleged property was not the property of the B.G.M.L. or the mining property.

57. Even before this Tribunal, when the workmen opened their side, they have examined themselves and have not examined any other witness. The examination-in-chief of these three workmen would immensely enlighten for the appreciation of the evidence put forth by both the sides. It runs as thus :

WW-1 examined on 20-3-1989.

Examination-in-Chief by Shri K. S. Narayanaswamy

(1) I see page 205 of Ex. M-7. I have given that statement before the E.O. on 18-2-1983. It is correct.

- (2) The statement is now marked as Ex. W-2. It is from pages 205 to 216. I have signed it on each page.

Examination-in-Chief by Shri K.B.N. for I party  
WW-2 examined on 20-3-1989.

- (1) I have given evidence before the E.O. It is at pages 217 to 228. It is correct. I have signed on each page. It is Ex. W-3.

WW-3 examined on 20-3-1989.

Examination in-chief by Shri K.B.N. for I party.

- (1) I have given evidence before the E.O. It is at pages 228 to 237. It is now marked as Ex. W4. It is correct. I have signed on each page.

58. It is thus as clear as day light that till today the three workmen have not put forth any evidence that the alleged property seized on that day was not the employer's property or the mining material, as defined in the Karnataka Mines Act. I hasten to add that it is only in the claim statement filed on 16-9-1987 that there is a stray statement in that connection. On page 5 of the claim statement, there is a statement as thus "when the mahazar witnesses retold the story contained in the chargesheet, the Enquiry Officer in fairness should have held the I party free from blame. He has refused to see that the property alleged to have been seized was not proved to have belonged to the employer, as stated in the charge memo .....". Even in their claim statements, there is no contention that the property alleged to have been seized on that day is not the mining material, as defined in the Karnataka Mines Act. The comment is only against the Enquiry Officer that he refused to see that the property alleged to have been seized was not proved to have belonged to the employer. In an enquiry either before the Enquiry Officer or before the Tribunal, the proof required is of preponderance of evidence and it is not the proof beyond any reasonable doubt as is essential in a criminal trial. In the case of the present nature, wherein the three workmen have never challenged except for the aforesaid statements in the claim statements and that too till today that the properties alleged to have been seized on that day belongs to BGML or that it is mining material, the crucial question would be what was the legal burden of proof on the management to have adduced evidence to establish that it is the property of the BGML or the mining material. The said question would be again taken up subsequently, but at the moment, it would be appropriate to consider whether the II party has established that the three workmen were actually apprehended in that room with the articles, as described in the mahazar Ex. M-32. As per the case of the management, MW-3 H.C. Krishnoji Rao, MW-4 Police Constable Stanislass along with two panchas Swamikannu and Thangavelu had entered into that room and found that the three workmen were having dealings in the mining material. On the said point, there is the sworn testimony of MW-3 Krishnoji Rao and MW-4 Stanislass. For obvious reasons, the II party has not examined the said panchas. There is no obligation on a party to examine a witness, who according to him is not prepared to disclose the truth. However, in the enquiry the panchas did not support

the management and looking from that angle, it cannot be said that the management has suppressed or hold back material evidence with any ulterior motive. The presence of the three workmen and MW-3 Krishnoji Rao and MW-4 Stanislass is admitted by the workmen themselves not only Exs. W-2, W-3 and W-4 but also in their evidence before this Tribunal. In addition to the direct evidence of MW-3 Krishnoji Rao and MW-4 Stanislass, there is the corroborative evidence of MW-2 and Sub-Inspector of Police Bahadursab, MW-5 Head Constable Krishnasingh and MW-6 the then police Constable Rajaram. The evidence of MW-4 Stanislass, there is the corroborative evidence MW-2 Bahadursab, MW-5 Krishna Singh and MW-6 Rajaram indicates that on receipt of credible information, panchas Thangavelu and Swamikannu were secured, then a raid was effected and Krishnoji Rao and Stanislass along with the two panchas went inside and apprehended the three workmen along with the property brought them outside and then the mahazar was drawn up on the spot and all of them were taken to the police station.

59. The learned counsel for the I party has urged in Para 11 of the notes of argument that the provisions of Section 11-A of the I.D. Act require to be kept in view and he has referred to the case of Scooter India Limited vs. Labour Court, Lucknow (AIR 1989 Supreme Court Page 149). The facts of the reported case would show that the workman was found guilty of distribution of pamphlets, but the punishment imposed was of dismissal. The court found that the conduct of the workman was motivated by ideals which were not relevant. The acquittal as per Ex. W-1 has been quoted as a circumstance of extenuation. It would be a different aspect. The authority has nothing to do about the appreciation of evidence.

60. From paras 14 to 22, the evidence of the management witnesses has been analysed and commented upon and it has been urged that the said evidence does not prove the charges levelled against the three workmen. There can be no two opinions that if any portion of the sworn testimony given by these three workmen before this tribunal constitutes an admission, the management can press it into service as evidence substantiating its own evidence.

61. In the statement made by the workman Chowrinathan, at Ex. W-2, there are the following statements and they constitute as admissions :

- (1) "..... then I went to my bed room which is adjacent to my brother's house No. 77 'G' Block....." Page 205,
- (2) "..... I was just taking rest, but I was not sleeping. when I was like this at about 4.30 p.m. all of a sudden without even intimating, two persons came inside my room which is adjacent to my brother's house No. 77 whose name is Shri Dorairaj T. N. 2816 Nundyroog mine and I thought those two persons would have come to see my above said brother" page 206.
- (3) "..... I know one person's name Shri Stanislass working as a P.C. I know his name, because he has been residing in the neighbouring line....." Page 207.



- (4) "..... But other persons name I did not know, but later on after going to the enquiry I came to know his name as Shri Krishnoji Rao, who is working in the same police department." Page 207.
- (5) ".....I thought those two persons would have come to see my brother in connection with obtaining some small donations to celebrate some festival, in the colony....." Page 208.
- (6) "..... Before I could ask the reason for their coming inside, the above said persons, two more persons came inside the same room where myself and the above two persons were standing...." Pages 208 & 209.
- (7) "..... the moment I saw those two persons, I thought they would have come to see my brother Dorairaj to repay some loan which usually my brother used to give to one or two persons....." Page 209.
- (8) "..... On seeing those two persons, the police personnel advised them not go outside. When they were advising like this, I noticed Shri Krishnoji Rao was having a cotton bag in his hand. That a bag appeared as if it contained some ball like bundle." Page 209.
- (9) "..... Those two persons names who came to my room later to the above said police personnel were not known to me at that time, but later I ascertained their names as Shri Govindaraj and Jagadish..." Page 210
- (10) On seeing those two persons, the police personnel, besides telling that they should not go outside the room one of the police personnel Shri Krishnoji Rao searched only the shirt pocket of both Shri Govindaraj and Jagadish took Rs. 250 from the upper shirt pocket of Govindaraj. Likewise, Shri Krishnoji Rao took Re. 14 from Jagadish..... Pages 210 & 211.
- ".....Krishnoji Rao took Rs. 300 from my pant pocket which was hanging on the nail....." Page 211
- (11) "Apart from this money I did not possess any thing in it, that means to say that I had neither coins nor kerchief in my pant pocket which was hanging on the nail." Page 211.
- (12) "After collecting the said money from me, Shri Jagadish and Govindaraj, Shri Krishnoji Rao asked by seeing Shri Govindaraj and Jagadish that whether they lend money for interest, for which both Shri Govindaraj and Jagadish replied that they were not lending money...." Page 212.
- (13) "Then on seeing me, Shri Govindaraj, Shri Jagadish, Shri Stanislass and Shri Krishnoji Rao ordered us to follow them to the police station....." Page 213.
- (14) ".....When I came outside my room along with the above said persons, I noticed my brother etc. were standing outside helplessly. When I was following the above said police personnel, I noticed Shri Krishnoji Rao was having the above said cotton bag which appeared as if that bag contained some bill like bundle....." Pages 213 & 214.
- (15) "At about 5 p.m. both Shri Krishnoji Rao and Stanislass took me as well as Jagadish and Govindharaj to the Champion Reef police station. There the Sub-Inspector forced us to sign on two documents which was written in other language, but not in Tamil. ...." Page 214.
- (16) ".....after obtaining the signatures on the above said documents, we were enlarged on bail....." Page 214.
- (17) "The Enquiry Officer—On. Is there any enmity between you and Krishnoji Rao H.C. and Stanislass P.C. Champion Reef Police station. Ans. No." Page 215.
62. In the statement of Govindaraj marked as Ex. W-3 there are similar statements at pages 217 to 228. Likewise the same case is repeated by Jagdish also at Ex. W-4 between pages 228 to 240. It would be encumbering the record to reproduce the specific admissions made by them. The original statements themselves would reflect their case with great clarity. Since, it is an admitted fact that MW-3 Head Constable Krishnoji Rao and MW-4 Stanislass had entered into that room adjoining House No. 77 of 'G' Block and since it is further an admitted fact that all the three workmen were also inside that room at a given point of time, I do not visualise as to how the variations in the evidence given by the witnesses such as MW-2 to MW-6 can be of any importance. One cannot forget that if the incident had taken place on 17-4-82, the examination-in-chief of MW-2 started on 8-4-88. The cross-examination of the last witness MW-8 has been closed on 7-2-1989, can any one expect mechanical precision in the evidence of some of the witnesses given before this Tribunal with the evidence of some of the witnesses given before the Enquiry Officer. It would be too much to say the least. In paras 14 and 15 of the notes of arguments, the evidence of MW-2 Bahadursab has been analysed and commented upon. Though he was the principal officer who had led the raid, the material witnesses are MW-3 Krishnoji Rao and MW-4 Stanislass. Since they were the persons who have entered the room, the evidence of other witnesses such as MW-2 Bahadursab MW-5 Krishnasinh and MW-6 Rajaram shall have to be looked into, in order to examine whether the evidence of MW-3 and MW-4 has been sufficiently corroborated so as to rule out any manipulation. One thing of great importance is that till today the three workmen have nothing to allege against any of the policemen. No motive has been attributed against any of them. The allegation made against the policemen in the claim statements have remained unsupported by any piece of evidence. If MW-3 Bahadursab has been employed in the BGML in 1989, after considerable portion of his evidence had been recorded before this Tribunal, it can hardly throw any light on the

veracity of the witness for the incident of 1982. The management is the opponent of the workmen in the present proceedings and in the claim statements themselves it has been stated that only the police people are responsible. On page 5 of the claim statement, it has been contended that the workmen is made a victim by the police. Since no motive is attributed against the management, it cannot be said that the management had acted with any malafides in putting forth MW-2 to MW-6 before this Tribunal.

63. In para 14 of the notes of arguments, it has been stated that if the search had taken place on 17-4-1982, the Sub-Inspector of Police has sent a complaint of the same to the management on 24-4-1982 as per Ex. M-28, and that based on the same, the management has issued the show-cause notice (chargesheet) on 3-7-1982. From the description, it appears that the I party workmen intend to urge that there was considerable delay in issuing the chargesheet. The management came to know about the alleged misconduct of the workmen only when PW-2 Bahadursab sent his complaint Ex. M-28 dated 24-4-1982. Since the F.I.R. Ex. M-29 has been received by the court on 19-4-82 and since the list of property sent to Magistrate as per Ex. M-31 had also been received by the learned Magistrate on 19-4-82 and he had permitted the retention of the same by the police, it is obvious that there was no scope for any manipulation either by the police or the management. Ex. M-32, the original mahazar also shows that the learned Magistrate had seen it on 19-4-1982 itself. The delay in issuing the chargesheet is of no consequence. In para 15 of the notes of arguments several points have been put forth to support the contention that the oral evidence is contradictory and that the police witnesses are not trustworthy. It is misnomer to say that a policeman or a police officer is not trustworthy or that his evidence should be presumed to be not credible. Besides the Sub-Inspector of police, the other policemen need not know about the contents of the F.I.R. or the chargesheet. MW-2 Bahadursab has asserted that his evidence made before this Tribunal is correct. This Tribunal need not enter into discussion whether his evidence that his statement might have been wrongly recorded in the court of the I.M.P.C. should be believed or not. The material question is how far the evidence of MW-2 before this Tribunal has been contradicted by his earlier statements and whether his veracity has been shaken. A mere omission in an earlier statement cannot be called as a contradiction. Only a material omission, which becomes inconsistent with the evidence presently given, can be called as a material omission. Looking from that angle, it cannot be said that MW-2 Bahadursab is unworthy of credit. There is no rule of evidence that in every case the station house diary should be produced. Since the presence of MW-3 Krishnoji Rao, and MW-4 Stanislass in the room adjoining house 'G' 77 is an admitted fact, all the discrepancies in the details given by these police witnesses as to when they proceeded from the police station, by which route they went where they received the information and collected the panchas, how the raid was effected and such other details cannot count much. It is obvious that the contentions raised in para 15 are not sustainable. 2300GI/89—9

64. In para 16 of the notes of arguments, the evidence of MW-2 Bahadursab has been analysed and it has been tried to be made out that it cannot be believed. It has been contended that the management has not examined the independent pancha witnesses, though their names had been shown in the list of witnesses. It is not the number of witnesses or the volume of evidence, which determines whether a case propounded by a party has been made out or not. It is manifest from the record that the panchas had not supported the prosecution in the criminal trial. Merely because the names are shown in the list of witnesses, no motive can be attributed, if any of the witnesses shown in the list has not been examined. For the purpose of the present enquiry it is not of great importance whether the panchas were of the locality or not. In the case of K. Janardhana Vs. K.S.R.T.C. (W.P. 2362/87 D.D. 18-2-1987) the Hon'ble High Court of Karnataka has held that a domestic enquiry cannot be the same as a criminal trial. The enquiry held by this Tribunal does not stand on any different footing than a domestic enquiry. The authority further shows that acquittal of the accused is no bar for a domestic enquiry. Apart from all these reasons, one cannot forget that what the workmen themselves admit, can by no stretch of imagination be denied by their counsel. It is reiterated that till today the three workmen admit that PW-3 Krishnoji Rao, and PW-4 Stanislass were in the said room at the relevant time. Whether MW-2 Bahadursab was outside that room or not at that time is a matter, on which the three workmen have stated anything. Ex. M-33, the Certificate of the Town Administration office shows that House No. 77 of 'G' block had been allotted on 9-10-1975 to Murthy, who is no other than the workman Chowrinathan T. N. 1146. WW-1 Chowrinathan, as already discussed has admitted the said fact in his evidence. It is difficult to appreciate the contention that the management has not established that the room was in the occupation of the I party Chowrinathan. Serious criticism has been mounted on the evidence of the police witnesses and it has been urged that they cannot be believed, and that the room was so small that it could not have accommodated all the said persons. As per the evidence of the three workmen, all the three of them were inside the room and so also MW-3 Krishnoji Rao and MW-4 Stanislass at a given point of time. The mahazar makes the matter clear and in my view the discrepancy in regard to the dimension of the room is not material.

65. In paras 18 and 19 of the notes of arguments evidence of MW-3 Krishnoji Rao and MW-4 Stanislass has been attacked on several grounds. Para 5 of the evidence of MW-3 Krishnoji Rao shows that workman Chowrinathan was having one scale, that in one pan there was a 2 n.p. coin and one gulaganjee seed and in another pan there was sponge gold and it weighed 2½ grams. He has then stated that workman Jagadish had some wet mining gold quartz and in his shirt pocket there were some changes of Re. 1 etc. His evidence further discloses that workman Govindaraj had one earthen ball containing gold quartz powder mixed with water and when the powder alone was weighed, it was 175 grams. As per the evidence of MW-3, one note of Rs. 100, one note of Rs. 20 and one note of Rs. 5 were found in



the pocket of Govindaraj, whereas three notes of Rs. 100 each were found in the pocket of Chowrinathan. It is an admitted fact that cash of Rs. 300 belonged to Chowrinathan and cash of Rs. 125 belonged to Govindaraj and Re. 1 and odd were found with Jagadish. The subsequent conduct, as could be found from the narration of the events by WW-1 to WW-3 is consistent only with the evidence of MW-3 Krishnoji Rao and MW-4 Stanislass that these three persons were found in possession of the said mining material belonging to BGML, since there was no cause for these three workmen to follow the police meekly to the police station. In para 7 of his evidence, MW-3 Krishnoji Rao has then sworn that all the said articles were sealed with 'BS' seal and that they were seized by the P.I.I. under mahazar and the three workmen and the articles were taken to the police station by about 5.15 p.m. By the workmen also, it is admitted that they were taken to the police station by about 5.15 p.m.

66. The evidence of MW-4, in para 4 shows that when both of them had gone inside that room, they found that workman Chowrinathan was having a scale in his hand and on one side of the pan, there was one lump of 2½ grams of sponge gold and in the other. There were 2 n.p. coins and a gulaganjee seed etc. He further swears that there was a cash of Rs. 300 in the pocket of Chowrinathan. In para 5, he swears that S. Jagadish and Chowrinathan were in their mining dress and Jagadish had mercury mixed with gold and also cash of Rs. 150. Para 6 of his evidence shows that Govindaraj had in his hands one earthen bowl and when water was removed from the bowl, they found gold powder of 175 grams and that he had a cash of Rs. 125. He substantiates the evidence of MW-3 that these articles were sealed with 'BS' seal and seized under a mahazar and all the three workmen were taken to the police station by the P.S.I. The learned counsel has described in the said paras of the notes of arguments that their evidence is not consistent. On going through their evidence, I find that there are some minor discrepancies and variations in the evidence of two witnesses and they are bound to be there, for the reason that they have given evidence several years subsequent to the incident. Secondly, their evidence has been further substantiated by two more witnesses, MW-5 Krishnasingh and MW-6 Rajaram.

67. The evidence of MW-5 Krishnasingh and MW-6 Rajaram shows that MW-2 Bahadursab, MW-3 Krishnoji Rao, MW-4 Stanislass himself etc., had gone to that room of House No. 77 'G' Block and that only Krishnoji Rao, Stanislass and two panchas had gone inside and they brought out the three workmen with all the said properties and that the properties were sealed and seized under a detailed mahazar. The evidence of MW-6 Rajaram, in para 7, is to the same effect. In para 19 of the notes of arguments, on page 24, it has been contended that generally he was not posted to gusht duty. His evidence is categorical that he had accompanied the said others and he had witnessed the incident. I do not find any force in the said contention.

68. In para 20 of the notes of argument, it is alleged that MW-6 Rajaram was not examined before the Enquiry Officer and that his evidence is contradictory to that of the other witnesses and hence the

witnesses cannot be believed. At the cost of repetition, I have to observe that the material question is whether the management has proved that the three workmen were found in that room with all the said mining materials and whether on that point there is satisfactory evidence. The power of perception of the organs of individuals differs from person to person. The art to reproduce the impressions formed in the mind vary from man to man. The power of retention is singularly his own in the case of each individual. Besides all these factors, one cannot, indeed, forget for a moment that the present enquiry is not a criminal trial. The preponderance of evidence is the only criteria. I am of the opinion that the points raised to indicate that the evidence is contradictory and untrustworthy are not convincing. Evidence cannot be weighed in golden scales. There is no rule of evidence or of common sense that if a witness has not confirmed to true facts on a certain aspect, it should be presumed that his evidence of the other part should also be rejected. I am, therefore, of the view that the said contentions do not hold water.

69. The contention of the three workmen that the charges levelled against them are false and that they were not found there at all or that the said materials were not there in that room at all, do not find support even from the suggestions made to the witnesses in their cross-examination. In para 40, it is suggested to MW-2 Bahadursab as follows: "It is not correct to say that P.C. 163 also had not gone inside. It is not correct to say that those persons were not searched before they entered into the house. Para 41—"it is not correct to say that even if the said articles are brought before me now, I will not be able to identify them". Para 44—"it is not correct to say that I had not specifically identified and kept separately the material objects seized in this case" Para 45—"it is not correct to say that there were material objects of other cases also in which I had effected raids on that day." "It is false to say that in order to help the BGML I had brought the material objects of other cases, as the material object of this case....." "It is not correct to say that I had kept the material objects in a house and not in the police station". "It is not correct to say that four days after the seizure I had shown the material objects of this case separately from the material objects of the other cases and till then I had not shown them separately."..... "It is not correct to say that there were no identification marks put on the material objects in this case." Para 49—"It is not correct to say that I had not seized the material objects and therefore it is not possible for me to identify the same.....". It is not correct to say that my police constable had seized them."

It is needless to say that these suggestions themselves indicate that these members of the police establishment had raided the said room on that day and that the said articles were seized from that room.

70. In para 40, it has been suggested to MW-3 as follows:—"It is not correct to say that none of us had entered into that room" ..... Para 48—"It is false to suggest that on 17-4-1982 when myself and Stanislass, P.C. had gone into that room, I was having a hand bag with me".... "It is false to say

that I had taken all the said materials in that bag, in order to foist a false case against those persons." The said suggestion made to MW-3 goes a long way in showing that the workmen have a case that MW-3 Krishnoji Rao had implanted the said material objects in the said room and they have been falsely implicated. It is crystal clear that it is not their case that the material objects are not the property of the BGML or that it is not mining material.

71. In para 41, it has been suggested to MW-4 Stanislass as follows—"It is not correct to say that myself and Krishnoji Rao first went ahead to find out whether the information was correct or not. In para 72, it is suggested to him as "it is not correct to say that when the mahazar was written, the articles were with me". Para 72—"It is not correct to say that it is a false story that these articles were found with them and that these articles were with me only.

Again these suggestions amply make out that to the knowledge of the workmen, there was the raid and the properties were found in that room.

72. In the cross-examination, MF-5 Krishnasingh in para 18, there is the following statement—"one of the panchas examined the person of the Head Constable Krishnoji Rao and Police Constable Stanislass. I do not remember the name of that pancha. It is false to say that in the pocket of the said police constable there was one gold ingot.....". "The said panchas searched the said Head Constable and the police constable in front of that house....." "it is not correct to say that by that time many people of the neighbourhood collected when their persons were searched." In para 30, there is the following suggestion. "It is not correct to say that the mahazar was not written on the spot and that it was written in the police station."

Again these suggestions make it evident that the policemen had gone into that room, searched, found them and the articles and the mahazar was drawn at the spot.

73. In para 55, it has been suggested to MW-6 Rajaram as follows—"It is not correct to say that no mahazar was written at the spot and that it was written at the police station at 7 p.m. or 8 p.m." The fact that the mahazar came into existence on the same day is thus verily admitted.

74. On appreciation of evidence of MW-2 to MW-6, it would be as clear as day light that they have established the fact that all these three workmen were found in the said room with the scale, coins, GBQ GBQ powder, gulaganjee seeds and cash.

75. It has been already discussed earlier as to how throughout the proceedings till today, the workmen have not raised any contention that the seized property did not belong to BGML or that it is not the mining material. The management has produced evidence to the effect that the seized property belonged to the BGML and even otherwise, it is mining property.

76. MW-7 Dwarkanath is the assayer. His evidence discloses that on 22-4-82, the P.S.I. of Cham-

pion Reef police station sent through police constable 176 Venkatesh three sealed articles in paper packets hearing seals "BS" along with sample seal, and on examination, he found that the seals were intact and they tallied with the sample seal. In packet No. 1, he found on examination gold weighing 3.45 grams. In packet No. 2, he found 2.5 grams of gold in packet No. 3 he found 180 grams of gold. He has given the value of each item. In para 7, he swears that he re-packed and sealed the packets with the central assay seal and sent the same to the police station and that the said articles were mining materials, as defined in the Karnataka Mines Act. He has testified that Ex. M-35 is the report and it bears his signature. He has testified to the sample seal, Ex. M-36 also. In para 16, he reiterates that the contents of three packets were the mining material. He has produced the letter of authority Ex. M-38 dated 19-3-1973 to show that he had the requisite authority to make the chemical analysis and give the opinion. Ex. M-37 dated 14-8-86 is the latest authorisation. Ex. M-39 is the letter dated 22-4-82 along with the sample seals at Exs. M-40 and M-41. The cross-examination directed against this witness is mainly on the point whether it is possible for him to say that the GBQ or sponge gold cannot be of Bisanatham, Chigarigunta or of abandoned mines. As observed earlier, nowhere the three workmen have stated that they had any such GBQ or GBQ powder with them or that it was of Bisanatham, Chigarigunta or of abandoned mines, in which case, the management would have been called upon to establish that the GBQ or the GBQ sand belonged to a certain mine. The G Block is the property of the BGML and it is a mining area. In the mining area, these three workmen were found with a scale, sponge gold sand mixed with gold and mercury. The material was being weighed in the scale with the help of 2 n.p. coins and gulaganjees seeds and all these facts suggest that they were dealing in the mining material. The judgment of the criminal court on which they have every much relied upon, Ex. W-1 shows that they never claimed that the property was not of the BGML or that it was not mining material. The order passed by the learned magistrate shows that the three seal packets as MOs 1, 2, and 3 were ordered to be returned to the BGML. Even the money which they claim to be their's has been confiscated to the Government MO No. 3, the gulaganjee, MO No. 8, three earthen bowls and MO Nos. 10 balance have been ordered to be destroyed. It is not the case of the I party workmen that till today they have challenged the said order of the learned Magistrate or that they have claimed MO Nos. 1 to 3 and the sealed packets as the GBQ or GBQ sand belonging to them and obtained by them from the mines of Bisanatham, Chigarigunta or the abandoned mines. There is specific evidence on record to show that in the abandoned mines, none can enter into and that the mouths have been closed by concrete slabs. Even if the GBQ or GBQ sand was of Bisanatham or Chigarigunta, there is no explanation as to how they can indulge in the business of the same in the mining area of the BGML. The questions whether the GBQ or GBQ sand belongs to the mine of Bisanatham, Chigarigunta or abandoned mines or whether it is of a working mine of BGML cannot be a matter in issue, since there was no challenge to the said fact and the matter has been already discussed at great length.

77. The evidence of MW-7 Dwarkanath has been pointed out to show that if any GBQ is produced he will not be able to say whether it was the GBQ analysed by him. Naturally, the GBQ when subject to analysis would lose its characteristics as a special kind of GBQ of a certain hue or structure or size and on the basis of the analysed product, no scientist on earth can say as to what must be its original character as the GBQ or GBO sand. The contention that there is an admission made by MW-7 that he cannot identify the original property is thus of no substance.

78. MW-8 Vankatesh the police constable had taken the sealed box to MW-7 Dwarkanath. He has sworn that the P.S.I. had given four covers and he had taken the same, to the assay office and that he took back the acknowledgement Ex. M-35. He had identified the letter of request, Ex. M-39 and states that the seals were inside the cover. The evidence of MW-8 Venkatesh thus proves that when the boxes were produced in the assay office, the seals were intact and seals as per the evidence of MW-7 Dwarkanath the seals were opened by himself and then the GBQ and GBO sand were analysed. The evidence of MW-2 Bahadursab, MW-8 Venkatesh and MW-7 Dwarkanath requires to be gone through along with the documents, such as the report, Ex. M-28, the F.I.R. Ex. M-29, the chargesheet, Ex. M-30, the form showing the list of property sent to magistrate, Ex. M-31, the mahazar, Ex. M-32 the letter of requisition, Ex. M-39, Ex. M-40 and Ex. M-41 the sample seals, the report of the assayer, Ex. M-35 and his sample seal Ex. M-36. In the F.I.R. at Ex. M-29, there is the clear writing of the court of the JMFC showing that the properties of the case were registered as per property Register No. 169 of 1982. The chargesheet Ex. M-30 shows at the top that the property concerned in the case is at PR 169/82 of C.C. 1086/82. The form showing the list of property sent to magistrate, marked as Ex. M-31 makes it very clear that the property had been recorded at PR No. 169 of 1982. On the front page, there is the order passed by the learned magistrate, whereby the I.O. has been permitted to retain the property for investigation. The order is dated 19-4-84. Ex. M-31, thus rule out the possibility of any manipulation. Ex. M-31 leads to a presumption that before the learned Magistrate had passed that order, permitting the I.O. to retain the property, he had examined the same and found the seals intact. The property shown in Ex. M-31 shows that the first three articles were packets containing 2-1/2 grams of mining sponge gold, 3-1/2 grams of sponge gold mixed with mercury, 175 grams of sand mixed with mining gold, one small bottle containing mercury, three earthen bowls, one balance, 2 n.p. coins, 1 n.p. coin, 1 n.p. coin (square aluminium), three beads of gulaganjee, one old green handkerchief, one red cloth, one plastic cover, containing Re. 1.50 P. Rs. 525/- (of which the currency note numbers are given in detail). These properties shown in Ex. M-31 tally with the properties shown in the mahazar, Ex. M-32. Ex. M-32, the mahazar also shows the PR No. as 169/82. Ex. M-31 discloses that the number of property list and the date as recorded in the police station was PF No. 27/82 dated 17th April 1982 of Crime No. 53/82. All these particulars are to be found in the requisition letter sent by the P.S.I. to the assayer as per Ex. M-39. In Ex. M-35, MW-7 Dwarkanath has made reference to the said

letter, Ex. M-39. The judgment Ex. W-1 refers to all the said properties. The evidence of MW-2 Bahadursab, P.S.I., MW-8 H. S. Venkatesh, MW-7 Dwarkanath and the aforesaid documents leave nothing to doubt that the very same property, seized from these three workmen had been taken to the assayer and on due analysis of the same, he has given the report, Ex. M-35. There is an emphatic statement by MW-7 Dwarkanath in para 9 that mining materials include gold bearing sand, sponge gold, gold amalgam, zinc-precipitate and any other mining mineral which is under the process in the mining area and that such kind of gold is not available in the market. In para, 10, he further swears that one cannot deal with these properties without proper authority. If dealing in such sponge gold or sand mixed with GBQ is not dishonesty in connection with the employer's property or business, I cannot visualise which other kind of dealing can be so termed as per the definition of the mining materials appearing in Section 3 (6) of the Karnataka Mines Act. GBQ or sponge gold or gold mineral in any form, even mercury is a mining material. As per Section 6 of the Karnataka Mines Act, any person found to be in possession of mining material without the written permission of a mining proprietor or Superintendent and unable to prove that his possession of the same was obtained in lawful manner is liable for conviction and penalty as shown in Section 13. It is by statute that the burden is on the person who is in possession of the mining material to prove that he had obtained it in a lawful manner. Since there is no dispute that the three persons were found in a mining area and now since it has been established that they were in possession of the mining materials, as per Section 6, it was for them to explain as to how they had obtained the said mining material. Even though MW-7 Dwarkanath has been subjected to searching cross-examination, there is not even a suggestion that the three workmen had come into possession of the said GBQ or GBO sand from Bisanatham, Chigarigunta, or abandoned mines. As per Section 6 of the Karnataka Mines Act, the burden was on them to have been shown that they were in lawful possession of the same and the GBQ etc. was of Bisanatham, Chigarigunta or abandoned mines of elsewhere. At the cost of repetition, it requires to be stated that even if the GBQ or GBO sand was of some other mine, since the area in which they were dealing in the same was the mining area of the BGML, the authority from the BGML was the sine qua non for claiming lawful possession. Nowhere, it is the contention of the three workmen that they had obtained the same from the said other mines. Thus, it is obvious that none of the contentions raised by the workmen is sustainable.

79. The learned counsel for the II party has referred to the case of Jagdish Prasad alias Jagdish Prasad Gupta, Vs. The State of West Bengal (AIR 1972 Supreme Court page 2044). The authority states that conviction based on the report and evidence of Public Analyst would be proper. The authority is with reference to Section 13 (5) of the Food Adulteration Act. The provisions of Food Adulteration Act cannot be invoked for the case at hand. The authority indicates that the evidence of MW-7 Dwarkanath, being that of an expert, requires to be accepted.

80. The three workmen have been charged, as stated earlier with the misconduct as defined in Clause 15 (b) (23) and (34). As per sub-clause 23, unauthorised use of any land belonging to the Company is also misconduct. Indulging in the business of mining material on the land belonging to the Company is itself a misconduct under Sub-Clause 3. It is an admitted fact that the room adjoining Door No. 77 of 'G' Block is the land belonging to the Company. Indulging in the business of mining material, which is unauthorised, as per the provisions of the Karnataka Mines Act is itself a misconduct, and is irrespective of the fact whether the mining material belongs to the employer or not. As per sub-clause (34), the theft or abetment of theft is one of the ingredients. Fraud or dishonesty in connection with the employer's business or property including the mining material as defined in the Karnataka Mines Act is a misconduct.

81. The learned counsel for the I party has produced xerox copies of some paras from the Criminal law by J. C. Smith etc. It has been pointed out that the definition of theft requires that it be proved that 'D' dishonestly appropriated the property belonging to another. It is further shown that even the property belong to none (because it has been obtained). appropriation would not constitute the *actus reus* of theft. However, dishonest it might be he could not be convicted of theft. This Tribunal is not functioning as a criminal court, examining the ingredients of theft, as defined under Section 5 of the theft act of 1968, as could be found in the said commentary. The pertinent provision which requires to be considered is sub-clause 34. The contention that a person cannot steal a property which is not owned by another at the time of appropriation cannot be convicted of Section 5 of Theft Act of 1968 has no relevance to the facts of the present case. Moreover, it is nowhere pleaded nor tried to be made out that it was abandoned property or a property not owned by any other person. It would be a different matter, if they had claimed that originally it was ownerless property and they were dealing in the same in a legitimate manner. The latter part of sub-clause (34) makes even fraud or dishonesty in connection with the Employer's business is admittedly mining processing and dealing in GBQ and gold etc. The evidence, as analysed and marshalled above has established that these three persons had indulged in the business of GBQ gold sand and other mining materials. The definition of wrongful gain is to be found in Section 23 of the I.P.C. Wrongful gain is a gain by unlawful means of property to which the person gaining is not legally entitled. Wrongful loss is the loss by unlawful means of property to which the person losing it is not legally entitled. A person is said to gain wrongfully when such person retains wrongfully as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully deprived of property or when such person is wrongfully deprived of property. The word dishonestly has been defined in Section 24. It means whoever does anything with the intention of causing wrongful gain to one person and wrongful loss to another person is paid to do that thing dishonestly. Indulging in the business of the mining material, as defined in the Karnataka Mines Act, in the circumstances described above

constitutes fraud or dishonesty in connection with the employer's business or his property.

82. The learned counsel for the II party has placed before me xerox copies of some pages of Black's Law Dictionary. The definitions of the relevant words such as fraud and dishonesty indicate that the words used in the sub-clause (23) and (34) of the Standing Orders have wider connotation other than the connotation to be found in the I.P.C. The evidence adduced by the management has established that the three workmen are guilty of the acts of the misconduct, as defined in sub-clause 15 (b) (23) and (34).

83. The learned counsel for the II party has referred to the case of *Kashmirilal Vs. The State of Uttar Pradesh* (AIR 1970 Supreme Court Page 1868). The authority is with reference to *Railway Stores (Unlawful Possession) Act* (1955), Section 3. It was urged that Section (6) of the Karnataka Mines Act is similar to Section 3 of the said Act and thus the required presumption requires to be drawn. On going through Section 6 of the Karnataka Mines Act, it would be evident that the person who is in possession of the mining material shall have to satisfy the court for his possession is unlawful.

84. As observed earlier, the learned counsel for the I party cited the case of *Scooter India Limited, Lucknow Vs. Labour Court, Lucknow and others* (AIR 1989 Supreme Court Page 149) to show that an approach of the Tribunal should be to reform and not to punish.

85. The learned counsel for the II party, on the other hand, has referred to the case of *T. Seeralan Vs. The Presiding Officer II, Additional Labour Court and others* (1986 II LLJ Page 85). It states that if there is a proved misconduct, the punishment of dismissal cannot be said to be grave, even if the workman has put in a service of seventeen years. In the case of *Scooter India Limited*, the facts were such that the court found that the workman should be reinstated and given relief, in spite of the fact that the misconduct had been proved. In the case of hand, the misconduct proved is of grave nature and in the light of the authority of *T. Seeralan*, I am of the view that the provisions of Section 11-A cannot be invoked.

85. The learned counsel for the I party strongly contended that since the domestic enquiry has been set aside by this Tribunal, the three workmen are entitled to back wages until the date of the award. In that connection, he placed reliance on the case of *Gujarath Steel Tubes Ltd. Vs. Gujarath Steel Tubes Mazdoor Sabha* (1980 (40) FLR page 152). Para 123 of the judgement was relied upon to show that if once the domestic enquiry is found to be defective, the whole field of delinquency and consequent penalty is at large before the Tribunal. I have taken into account each and every piece of evidence placed before me and discussed the same. So also in the matter of penalty, it has been found for the acts of misconduct are grave in nature and there are no extenuating or mitigating circumstances, which call for a lesser punishment. The observations made in paras 145 and 146 of the judgement were brought to my notice. In

para 147 of the judgment, it has been stated that the law stated in D. C. Roy's case is correct, but since the orders of termination were being set aside, there was no problem in the matter. The observations made in the case of D.C. Roy (D.C. Roy Vs. Presiding Officer, Labour Court, Supreme Court Labour Judgments (1950—83) page 711) it has been observed that the ratio of the case of P. H. Kalyani Vs. M/s. Air France, Calcutta governs the case and the judgment of the labour court must relate back to the date on which the order of dismissal was passed. It has been further observed that the decision in P.M. Kalyani's cases could not be construed as a charter for employer's to dismiss employees after a pretence of an enquiry. The enquiry in the case of D.C. Roy did not suffer from defects so serious or fundamental as to make it non-est. It has been thus held that on an appropriate occasion, it may become necessary to carve an exception to the ratio of Kalyani's case, so as to exclude from it such class of cases in which under the facade of a domestic enquiry, the employer passes an order gravely detrimental to the employer's interest, like an order of dismissal. It has been further observed that an enquiry blatantly and consciously violating principles of natural justice may well be equated with the total absence of an enquiry, and such a case excludes the application of the doctrine of relation-back. It is thus very obvious that a case of non-enquiry and a case in which there is a facade of an enquiry stand on a different footing than a case where there is a sincere attempt by the employer for holding the domestic enquiry, as has been in the case of D. C. Roy. In the cases of latter nature, the doctrine of relation-back applies and it would be inappropriate to say that the obiter to be found in the case of Gujarat Steel Tubes Ltd., should get precedence vis-a-vis the principles laid down by a larger bench of the case of Kalyani. The order passed in the present case on preliminary issue does not indicate that the management had held only a facade of an enquiry which should be treated as though the enquiry is non-est. Thus it is not a case where the fact prove that the management had only in the pretence of holding an enquiry merely made a show and then dismissed the three workmen and therefore the workmen should at any rate get back wages till the date that the present award is passed. The observations in the case of D. C. Roy that on an appropriate occasion, it may become necessary to carve out an exception to the ratio of Kalyani's case makes the matter more clear that only in the cases of the former kind, the workmen would be entitled to back wages till the date of the award. The principles laid down in the case of Sasa Musa, Kalyani and D. C. Roy require to be looked into to see as to what are the principles laid down in the case of Gujarat Steel Tubes Limited. I am of the view that when the management has made a sincere and honest attempt to hold an enquiry, but if it has not succeeded in sustaining the same for some technical reason and then it establishes the guilty by adducing evidence before the Tribunal, it cannot be called upon to pay the back wages till the date of the award.

86. Even, otherwise, it is not a case wherein the three workmen have not been paid any Interim Relief. In Writ Petition No. 11709/1988, the Hon'ble High Court of Karnataka has passed an order dated

23-9-1988 to the effect that the respondent management should pay Interim Relief to the three workmen at the rate of 50 per cent of their salary. The workmen have been accordingly receiving the Interim Relief. The said order comes to an end only on coming into effect of the present award.

87. In the result, a common award is passed to the effect that the orders of dismissal of S/Shri Chowri-nathan, T. No. 9592, Machinery Attendant, BGML Town Administration Dept. Nundydroog Mine, BGML on 17-1-1984, S. Jagadish, Ex. T. No. 2103/142675, General Labour (Machine Man) Nundydroog Mine, BGML on 17-1-84 and Shri Govindaraj, T. No. 153, Machine Maistry, Nundydroog Mines, BGML, KGF on 31-1-1984 by the management of the Bharat Gold Mines Limited, Suvarna Bhavan, Oorgaum, K.G.F. are justified and that they are not entitled to any relief.

(Dictated to the Stenographer, taken down by her got typed and corrected by me.)

B. N. LALGE, Presiding Officer

[No. L-43012/17/84-D.III(B)]

V. K. SHARMA, Desk Officer

दिल्ली, 10 अगस्त, 1989

का. मा. 2070.—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 3 के उपनियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1978 (1978 का 82) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा तारीख 22 सितम्बर, 1984 के भारत के राजपत्र, खण्ड 3, उपखण्ड II में प्रकाशित भारत सरकार के श्रम मंत्रालय की तारीख 6 सितम्बर, 1984 की अधिसूचना संख्या का.मा. 3039 का अतिरिक्त करते हुए, केन्द्रीय सरकार गुजरात राज्य के लिए एक सलाहकार समिति गठित करती है जिसमें निम्नलिखित सदस्य होंगे—

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|---|----------------------|
| 1. श्रम मंत्री,<br>गुजरात सरकार   | —अध्यक्ष             |
| 2. कल्याण प्रायुक्त,<br>भीलवाड़ा  | —उपाध्यक्ष           |
| 3. उप सचिव,<br>श्रम एवं नियोजन विभाग,<br>गुजरात सरकार   | —सदस्य (पदेन)        |
| 4. श्री शंकर जी कायाजी ठाकुर,<br>विधायक,<br>स्वदेवी बाल, मकजोवन रोड,<br>कलोल, जिला महुसाना (एम.जी.) | —सदस्य               |
| 5. श्री धर्म भार्गव कासीदास पटेल,<br>भू. स. सीपुरा, पालनपुर,<br>जिला—बांसकाठा                       | } नियोक्ता प्रतिनिधि |
| 6. श्री कनुभाई जीवराज भार्गव पटेल,<br>899, लिबासी स्ट्रीट,<br>गोमतीपुर, अहमदाबाद                    |                      |

7. श्री बाणूभाई हजारी लाल,  
अध्यक्ष,  
बीड़ी उत्पादक सहकारी मण्डली लि.  
सरसपुर, अहमदाबाद
8. श्री भास्करभाई जी पटेल, सेक्रेटरी,  
खेड़ा जिला जनरल मजदूर मंडल (इंटक)  
नाडियाद
9. श्रीमती इलाबन घट-9  
5, पंचशील सोसायटी,  
उस्मानपुर, अहमदाबाद
10. कल्याण प्रसादक, अहमदाबाद
- महिला प्रतिनिधि
- सेक्रेटरी
- [सं. यू-19012/3/87-वर्क्यू-II(सी)]  
बी. डी. नागर, प्रवर सचिव

New Delhi, the 10th August 1989

O. 2070.—In exercise of the power conferred by section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976) read with sub-rule (2) of rule 3 of the Beedi Workers Welfare Fund Rules, 1978 and in supersession of the notification of the Government of India in the Ministry of Labour number S.O. 3039 dated the 6th September, 1984 and published in the Gazette of India Section 3, Sub-section II dated the 22nd September, 1984, the Central Government hereby constitutes an advisory Committee for the State of Gujarat consisting of following members, namely :—

- |  |                                    |
|--|------------------------------------|
| 1. Labour Minister,<br>Government of Gujarat,  | —Chairman                          |
| 2. Welfare Commissioner,<br>Bhilwara.  | —Vice-Chairman                     |
| 3. Deputy Secretary,<br>Labour and Employment Deptt.<br>Govt. of Gujarat   | —Member<br>(Ex-Officio)            |
| 4. Shri Shankarji Kalaji Thakor,<br>M.L.A.,<br>Swadeshi Chawl,<br>Navjivan Road,<br>Kalol<br>Distt. Mehsana (N.G.) | —Member                            |
| 5. Shri Amrutbhai Kalidas Patel,<br>New Laxmipura,<br>Palanpur,<br>Distt. Banaskantha.                             | } Representatives of<br>Employers. |
| 6. Shri Kanubhai Jivrajibhai Patel,<br>899, Libasi Street,<br>Gumtipur,<br>Ahmedabad.                              |                                    |
| 7. Shri Khandubhai Hajarilal,<br>Chairman,<br>Beedi Utpadak Shahkari Mandli Ltd<br>Saraspur, Ahmedabad.            | } Representatives<br>of Employees. |
| 8. Shri Bhaskarabhai G. Patel,<br>Secretary,<br>Kheड़ा Jilla General Mazdoor<br>Mandal (INTUC),<br>Nadiad.         |                                    |
| 9. Smt. Elaben Bhatt,<br>5, Panchshil Society,<br>Usmanpur,<br>Ahmedabad.  | —Woman<br>Representative.          |
| 10. Welfare Administrator,<br>Ahmedabad.   | —Secretary                         |

[No. U-19012/3/87-W.II(C)]  
V.D. NAGAR, Under Secy.

नई दिल्ली, 10 अगस्त, 1989

का.प्र. 2071.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार व भारतीय बाबू गिणम, बम्बई के प्रबन्ध संघ से संबंधित विवादों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम सं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-89 को प्राप्त हुआ था।

New Delhi, the 10th August, 1989

S.O. 2071.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India, Bombay and their workmen, which was received by the Central Government on 8-8-89.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/75 of 1985

PRESENT :

Shri P. D. Apshankar, Presiding Officer.

PARTIES :

Employers in relation to the management of Food Corporation of India, Bombay

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri P. R. Namjoshi, Advocate.

For the Workmen : Shri M. B. Anchan, Advocate.

INDUSTRY : Food Corporation. STATE : Maharashtra.

Bombay, dated the 13th July, 1989

AWARD

The Central Government by their order No. L-42012(46)/84-D.V dated 6-12-1985 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

(A) "Whether the action of the employer of Food Corporation of India, Bombay, in removing from their employment with effect from July, 1984 the three unskilled mazdoors S/Shri Muthu, Pachi Muthu and Upendra Panigrahi, is justified? If not what relief the workmen are entitled to?"

(B) "Whether the action of the management of Food Corporation of India, Bombay, in not considering Shri Ranjit Panigrahi for employment subsequent to his termination with effect from July, 1984 is justified? If not, to what relief he is entitled?"

2. The case of the Food Corporation of India Employees' Union of which the said four workmen are the members, as disclosed from the Statement of Claim (Ex. 2), in short, is thus :—

The three workmen in question S/Shri Muthu, Pachi Muthu and Upendra Panigrahi had joined their services as Helpers under the Food Corporation of India in the Engineering Department in March 1982. The Fourth workman Shri Ranjit Panigrahi had joined the service in the same department in July 1982. Since the date of their joining in service, they were working continuously without any break in service with the said employer. As Helpers, their duties were to maintain the buildings, godowns, staff quarters etc. which are of regular and permanent nature, and the workmen were working on regular basis. As their work was of regular nature each of the said workmen had put in 240 days of attendance in each year since 1982. These workmen have worked at different places, such as Mistry Bhavan, GIG, Wadala, G.M., Sewri and staff quarters at different places. These workmen had requested the Managing Director of the Food Corporation of India for regularisation of their services. In the meeting held on 4/5-5-1984, the Managing Director had agreed to regularise their services, and had asked the Regional Office, Bombay to submit their remarks in the matter. However, instead of sending their remarks, the Regional Office, Bombay, terminating the services of the said workmen with

effect from 25-6-1984. At the time of termination of their services the management did not give one month's notice to them, nor did they pay the wages in lieu of one month's notice. They were also not paid the retrenchment compensation as required under the law. Therefore, the termination of the services of the said workmen is not valid and legal. The management has not complied with Section 25F of the Industrial Disputes Act before terminating the services of the said workmen. Therefore, the said workmen are deemed to be continued in service. The Union therefore prayed that the workman concerned be reinstated in service with full back wages. After their services were terminated, the Union raised the industrial dispute with the Regional Labour Commissioner (C), Bombay. However, the conciliation proceedings ended in failure. Therefore, the Central Government made the reference, as above. According to the Union, the action in question of the management is not just and proper, and that the said workmen are entitled for reinstatement in service with full back wages and continuity of service.

3. The Food Corporation of India by their written statement (Ex. 3) opposed the claim of the Union, and in substance, contended thus :—

The Food Corporation of India is a Central Government undertaking, functioning under the Ministry of Food and Civil Supplies. The Industrial Disputes Act does not apply to the Food Corporation of India, as the functions of the Food Corporation of India could not be said to be an industry within the meaning of Industrial Disputes Act. As such, this Tribunal has no jurisdiction to entertain the present reference. The Administrative Tribunal is the Tribunal competent in the present matter.

4. The Food Corporation of India further contended thus :—

The three employees in question, namely, S/Shri Muthu, Pachi Muthu and Upendra Panigrahi have not been removed from their service. The above said workmen were employed as casual workers on daily wages basis. The contract of employment between them and the employer was to come to an end at the end of each day, and used to be renewed on the next day in case the employer employed them, in case their employment was needed. These workmen have not been removed from service, but their employment came to an end by efflux of time, and as per the contract of employment between them and the employer. The said workmen did not complete 240 days of work in any year, and as such, no right exists in them for the continuance of their service. The F.C.I. functions as per the rules laid down by the Government of India, and unless there are adequate number of posts available, no workman can be employed in any category.

5. Three names of the workmen namely, S/Shri Muthu, Pachi Muthu and Upendra Panigrahi are appearing in Schedule 'A' of the Reference, while in the Schedule 'B' of the Reference, the name of the workman appearing is Shri Ranjit Panigrahi. According to the F.C.I., the same contentions raised as above by them apply to the service of the fourth workman Shri Ranjit Panigrahi mentioned in Schedule 'B' of the Reference. No appointment orders in writing were issued to any of the four workmen, and as such, none of those four workmen was appointed on regular basis. Therefore, none of these workmen is entitled to any relief. The F.C.I. therefore prayed for the dismissal of the demand made by the Union on behalf of the said workmen.

6. The Issues were firstly framed at Ex. 4. However, they were reframed at Ex. 4A. The reframed Issues are thus :—

- (1) Whether this Industrial Tribunal is competent to entertain the present reference in question?
- (2) Whether the workmen in question have been removed from service by the management of the Food Corporation of India?

(3) If so, whether the termination of services of the workmen in question is in contravention of the provisions contained in Section 25F of the Industrial Disputes Act?

(4) Whether the workmen in question are entitled to reinstatement in service.

(5) To what relief, if any, they are entitled?

(6) What Award?

7. My findings on the above said Issues are :—

(1) Yes

(2) Yes

(3) Yes

(4) They are entitled to compensation in lieu of reinstatement.

(5) As per Award below.

(6) As per order.

## REASONS

### ISSUE NO. 1

8. It is contended by the management of the Food Corporation of India in the written statement that the Food Corporation of India is not an industry within the meaning of the Industrial Disputes Act, and as such this Tribunal has no jurisdiction to entertain the present reference, and that the competent Tribunal to deal with the matter is the Central Administrative Tribunal. However, this point was not seriously urged on behalf of the management at the time of argument. Apart from this, I also find that the Food Corporation of India is an industry within the meaning of Section 2(j) of the said Act, and an industrial dispute exists between the parties. As such, this Tribunal has jurisdiction to entertain the present reference. Issue No. 1 is found in the affirmative.

9. At the time of argument, it was stated on behalf of the Union that it is not interested in prosecuting the claim mentioned in Schedule 'B' of the reference regarding the workman Shri Ranjit Panigrahi, and that the Union is withdrawing the claim in that respect. Therefore, the reference as mentioned in the Schedule 'B' stands disposed of.

### ISSUES NOS. 2 AND 3

10. We are concerned with three persons mentioned in Schedule 'A' of the Reference, namely, Shri Muthu, Shri Pachi Muthu and Shri Upendra Panigrahi. The workman Shri Muthu filed his affidavit (Ex. 5) in support of the case of three workmen, and he was cross-examined on behalf of the management of F.C.I. Shri N. K. Belgaonkar, the then Cashier of the F.C.I. filed his affidavit (Ex. 7) in support of the case of F.C.I. He was cross-examined on behalf of the Union. In substance the workman Shri Muthu stated in his affidavit thus :—

He and the said two other workmen joined the Engineering Department of the F.C.I. as Beldar (helper) in April 1982. As Beldar their duties were to maintain the buildings, godowns, staff quarters etc. Since his appointment as Beldar he and the other two workmen were continuously working without any break in service. Their services have been terminated with effect from July 1984 (i.e. from 25-6-84).

According to the management of F.C.I. the said three workmen were working as casual labourers, and they were not in continuous service of F.C.I. and that they did not complete 240 days of work in any year. According to the management, the services of these three workmen were not terminated but their services came to an end as per the terms of contract and that they used to be employed every day in the morning, and their services were terminated in the evening of that day, and as such they were not in continuous service at any time.



11. In his cross-examination, the said workman (Ex. 6) stated and admitted thus :—

He was not issued with any appointment order in writing when he was employed in F.C.I., nor any discharge order in writing was issued to him. He and his colleagues used to attend the place of work for getting the work. In case there was any work, they used to ask us to do the work, or otherwise, they used to ask us to leave the place. He was not under any obligation to report for duty every day. It was as per his will. Such was the thing even as regards his colleagues. He and his colleagues started work in FCI from April 1982 to June 1984. Shri Muthu is also known as Muthia. He signed at times as Muthu, and at times as Muthia. They used to be paid wages of the days they worked.

12. Even though the workman Shri Muthu and other two above colleagues were working under the F.C.I. without any appointment order in writing, and even though they were discharged from service without any writing, I find that these three workmen had completed 240 days of service during the two calendar years. I further find that Shri Muthu and Muthia is one and the same person, and they are not different persons. The Union has produced a statement (Ex. 9) showing the number of days the said three workmen S/Shri Muthu, Pachi Muthu and Upendra Panigrahi had worked during the period January 1982 to June 1984. According to the Union, the said statement was prepared by the Union in the presence of the representative of the management, from the records of the F.C.I. As such, I rely upon that statement. The F.C.I. has produced one another statement showing the number of days the said three workmen worked during the years 1982 to 1984. However, this statement is not signed. As per this statement the number of days the three workmen worked were less than 240 days and this statement has not been duly proved during the course of evidence in this case or at any other time. As such, the statement (Annexure 'A' to the written statement of the F.C.I.) cannot be relied upon. As per the said statement of the Union (Ex. 9) I find that the workman Shri Muthu had worked for 249 days during the period July 1983 to June 1984 and had worked for 303 days from July 1982 to June 1983. The workman Shri Pachi Muthu had worked for 268 days from July 1983 to June 1984 and for 291 days from July 1982 to June 1983. The third workman Shri Upendra Panigrahi had worked for 279 days from July 1983 to June 1984, and for 258 days from July 1982 to June 1983. It is further seen from this statement Ex. 9 that these workmen continuously worked from month to month during the said period. Therefore, even though these workmen were working as casual labourers, they were in continuous employment for a period of 240 days or more during the said period.

13. In Ex. 10 (Acquittance Rolls marked collectively) at times the name mentioned is Shri Muthu and at times the name mentioned is Muthia. According to the workman, he is also known as Muthia, and he used to sign both as Muthu and Muthia at the time of receiving the payment from the F.C.I. In the statement (Ex. 11) showing the arrears paid to the employees, the name Muthia does not appear. In case Shri Muthu and Shri Muthia were two different persons, the names of Muthu and Muthia would have appeared in the arrears sheet. Further, the witness for the Management Shri N. K. Belgaonkar admitted in his cross-examination that he was not knowing all the casual workers during the period 1982-84 and he was knowing some of them by face. He further stated in his cross-examination that he cannot state if the person by name Shri Muthu and also the person by name Shri Muthia is one and the same person. He further stated that the amounts have been paid to Shri Muthu. A xerox copy of the statement of arrears in respect of different workmen has been produced at Ex. 11. In this statement, we find the names of Shri Muthu, Pachi Muthu and Upendra Panigrahi. Further, we do not find here the name of Muthia anywhere in this statement of arrears. In case there was any other person by name Shri Muthia, then his name also would have appeared in the statement of arrears. Therefore, taking into consideration the effect of this statement of arrears, and the said pay-sheets and the evidence on record, I find that Shri Muthu and Shri Muthia is one and the same person 2300 GI/89—10.

and while counting the number of working days of Shri Muthu, the working days of Shri Muthia also can be taken into consideration for the purpose of counting the working days of Shri Muthu. I further find that the other workman Shri Upendra Panigrahi and Shri Upendra Shahu is also one and the same person, and they are not two different persons. It will be seen from the copy of the pay sheets (Ex. 12) that the name Shri Upendra Shahu is appearing as the name of the workman. However, the signature on the revenue stamp or the name written on the revenue stamp is Upendra Panigrahi. Therefore, according to me, Shri Upendra Panigrahi and Shri Upendra Shahu is one and the same person. Both the names, Upendra Panigrahi and Upendra Shahu are not appearing on any of the said pay sheets. In case they were two different persons, then those two names would have appeared on the same pay sheets. However, on certain pay sheets the name appearing is Upendra Shahu, and in some other pay sheets, Upendra Panigrahi. Therefore, I find that Shri Upendra Shahu and Shri Upendra Panigrahi is one and the same person.

14. Under Section 25-B of the Industrial Disputes Act a workman shall be deemed to be in continuous service under an employer for a period of one year, if the workman during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than 240 days. Therefore, in the present case, as noted above, the said three workmen had worked for more than 240 days during the said two years i.e. from July 1983 to June 1984, and from July 1982 to June 1983. As such the said three workmen should have been paid one month's wages in lieu of notice, and also the retrenchment compensation as contemplated under Section 25F of the Industrial Disputes Act. This has not been done in the present case, even though they were appointed without any appointment order in writing and were discharged without any discharge order in writing. Even then, in view of the fact that they have completed 240 days of work during each of the said two years, they are entitled to notice wages and retrenchment compensation as stated above.

15. Therefore, for the reasons discussed above I find that the said three persons have been removed from service by the management of Food Corporation of India and not that their employment came to an end because of the terms of employment. Issue No. 2 is, therefore, found in the affirmative. As noted above, the termination of the employment of the said three workmen amounts to their retrenchment from service as per the definition of the term retrenchment under Section 2(oo) of the Industrial Disputes Act. Therefore, in view of the provisions contained in Section 25F of the said Act, they are entitled to the necessary wages in lieu of one month's notice and also to retrenchment compensation. Admittedly these amounts have not been paid to them by the management. As such the termination of employment of the said three workers is in contravention of the provisions contained in Section 25F of the said Act. Issue No. 3 is found accordingly.

ISSUES NOS. 4 AND 5

16. According to the three workmen, they must be deemed to be in continuous service even after June 1984 as the termination of their employment was in contravention of the provisions contained in Section 25F of the Industrial Disputes Act. In the alternative, they have prayed for reinstatement in service with full back wages. As held above, the retrenchment of the three workmen mentioned in Schedule 'A' of the Reference was in contravention of the provisions contained in Section 25F of the said Act, and as such, it was invalid. According to the Union of the said workmen the management of F.C.I., after termination of the services of the said workmen, is engaging the services of a contractor for getting the work in question done through them. Therefore, the said three workmen cannot be reinstated in service. However, they can be awarded compensation in lieu of reinstatement. It has been held in the case between Sant Raj and another and O. P. Singla another reported in LAB.I.C. 1985, page 810 by the Supreme Court that where the retrenchment is found invalid, the workman can be granted the relief of reinstatement in service, or in case it was not advisable, compensation in lieu thereof. In the said reported case, the Supreme Court had directed the management to pay a certain amount by way of compensation to the workmen as their



retrenchment was found bad, illegal, and in contravention of the provisions of Section 25F of the Industrial Disputes Act. The services of the said three workmen have been terminated from July 1984. Therefore, if each of the said three workmen is awarded compensation of Rs. 5,000, (Rupees five thousand only), it will be just and proper relief to each of them, in lieu of reinstatement. Finding on Issue No. 4 is that the three workmen are entitled to compensation in lieu of reinstatement. Finding on Issue No. 5 regarding the relief is as per the Award below.

ISSUE NO. 6

17. The following Award is, therefore, passed :—

#### AWARD

- (i) The action of Food Corporation of India in removing the said three workmen from their employment from July 1984 without complying with the provisions of Section 25F of the Industrial Disputes Act, is not justified.
- (ii) The management of Food Corporation of India is hereby directed to pay the necessary wages in lieu of notice and the necessary retrenchment compensation as contemplated under Section 25F of the Industrial Disputes Act to the said three workmen within two months from the date of publication of this Award.
- (iii) The management of Food Corporation of India is further directed to pay compensation of Rs. 5,000 (Rupees five thousand) only to each of the three workmen mentioned in the Schedule 'A' of the Reference. The said amount to be paid within two months from the date of publication of this Award in lieu of reinstatement.
- (iv) Reference mentioned in Schedule 'B', for the reasons stated earlier, stands dismissed.
- (v) The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer  
[No. L-42012(46)/84-D.V/IR(C-II)]

का.प्र. 2072:—औद्योगिक विवाद अधिनियम, 1947 (1947 का.प्र. 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार ने मसर्स ईस्टर्न कोयलफील्ड्स लिमि. की बाहुला कोलियरी के प्रबन्धन से संबद्ध निवोधकों और उनके कर्मचारों के बीच, अनुवर्ण में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-89 प्राप्त हुआ था।

S.O. 2072.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bahula Colliery of M/s Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 3-8-89.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 39 of 1986

#### PARTIES :

Employers in relation to the management of Bahula Colliery of M/s. Eastern Coalfields Ltd.

#### AND

Their Workmen

#### PRESENT :

Mr. Justice Sukumar Chakravarty...Presiding Officer.

#### APPEARANCES :

On behalf of Employer—Mr. P. Banerjee, Advocate.

On behalf of Workmen—Mr. A. Das, Advocate.

STATE : West Bengal.

INDUSTRY : Coal.

#### AWARD

By Order No. L-19012(71)/85-D.IV(B) dated 14-5-1986, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication:

"Whether the management of Bahula Colliery of E.C. Ltd. P.O. Bahula, Dist. Burdwan is justified in reducing the work, Sh. Rameswar Singh, from Clipman in Cat. IV to Cat. II as Fitter Helper from February, 1975? If not, to what relief the workman is entitled?"

2. When the case is called-out today, both parties appear and file a Joint Petition of Compromise. They pray for an Award in terms of the Joint Petition of Compromise. Considered the said Joint Petition of Compromise as well as the submission of the parties. The terms of the Joint Petition of Compromise appear to be fair, reasonable and in the interest of the parties. I therefore, accept the same and pass an Award in terms of the said Joint Petition of Compromise which do form part of this Award as Annexure 'A'.

This is my Award.

Dated, Calcutta,

The 27th July, 1989.

SUKUMAR, CHAKRAVARTY, Presiding Officer  
[No. L-19012(71)/85D.IV.B/IR(C. II)]

#### ANNEXURE 'A'

BEFORE THE HON'BLE PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
CUM LABOUR COURT AT CALCUTTA

Reference No. 39 of 1986

#### PARTIES :

Employers in relation to the management of Bahula Colliery of M/s. E.C. Ltd., P.O. Bahula, Dist. Burdwan.

#### —VS—

Their workman (Sri Rameshwar Singh), represented by Secretary, Koyla Mazdoor Congress (HMS)

The employers and the workman jointly beg to submit :—

1. That the industrial dispute which is subject matter of the above Reference pending for adjudication before the Hon'ble Tribunal has been decided to be amicably settled by the parties on the following items, subject to the approval of the Hon'ble Tribunal.

#### TERMS

- 2(a) That without admitting the correctness of the contentions raised by the parties against each other by either party, it has been decided that the workman concerned should be deemed to have continued in Category-IV all along and accordingly the present wages of the concerned workman will be refixed at Rs. 34.50 per day as Basic Category-IV with immediate effect.
- 2(b) That the workman concerned will be paid only 50 per cent of the Arrear Wages/Dues from 17-2-75 till date of such refixation of his wages.
- 2(c) That the concerned workmen will not be entitled to get any other dues or to raise any other dispute regarding the above matter.
- 2(d) That the parties will bear their respective cost of this Reference.

2(f) That it is agreed by the parties, the aforesaid, agreed amount will be paid to the concerned workman by the employers within one month from the date of award.

2(g) That the parties jointly pray for keeping the industrial relation of the establishment harmonious, necessary approval may please be accorded by the Hon'ble Tribunal for settlement of the dispute on the aforesaid terms and to pass an award accordingly by treating this petition as a part thereof.

On behalf of the Workmen      On behalf of the Management  
Personnel Manager  
Kenda Area

General Secretary,  
KPC(HMS)

witnessed by :  
(Rameshwar Singh)

Sd. illegible

Concerned workman.

Workman Signed in my presence.

नई दिल्ली, 11 अगस्त, 1989

का.आ. 2073.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व ईस्टर्न कोलफील्ड्स लिमि. की गिरमिंट कोलियरी के प्रबन्धतंत्र से संबद्ध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-89 को प्राप्त हुआ था।

New Delhi, the 11th August, 1989

S.O. 2073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Girmint Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 8-8-1989.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 45 of 1982

#### PARTIES :

Employers in relation to the management of Girmint Colliery, M/s. B.C. Ltd., P.O. Charanpur (Burdwan)

AND

Their Workmen.

#### PRESENT :

Mr. Justice Sukumar Chakravarty Presiding Officer.

#### APPEARANCES :

On behalf of employer—Mr. B. N. Lala, Advocate.

On behalf of workmen—Mr. Sunil Sen, Organising Secretary of the Union.

STATE : West Bengal

INDUSTRY : Coal

#### AWARD

By Order No. L-19012(63)/81-D.IV (B) dated 20-1-82 the Government of India, Ministry of Labour referred the following dispute for adjudication to the Central Government Industrial Tribunal No. 3, Dhanbad. Subsequently by Order No. S-11025(5)/82-D.IV (B) dated 11th October, 1982 the same dispute was referred to this Tribunal on transfer for adjudication :

“Whether the action of the Agent, Girmint Colliery of M/s. Eastern Coalfields Ltd. P.O. Charanpur (Burdwan) in not regularising and paying difference of wages to Shri Biswanath Singh, as CCM Driver and Shri Idrieh Khan as Traffic with effect from 1977 and 1979 respectively, is justified? If not, to what relief the workmen are entitled?”

2300 GI/89—11.

2. When the case is called out today, Mr. Sunil Sen, Organising Secretary of the Union appears for the Union and files a petition stating therein that the Union is not interested to proceed with the reference. Mr. Sen prays for a “No Dispute Award”. Mr. B. N. Lala, Advocate appearing for the management has no objection in this regard.

3. Upon consideration of the petition and the submission of the parties this Tribunal has no other alternative but to pass a “No Dispute Award” and accordingly a “No Dispute Award” is passed.

This is my Award.

Dated, Calcutta,

The 31st July, 1989.

SUKUMAR CHAKRAVARTY, Presiding Officer

[No. L-19012(63)/81-D.V.B/IR (C-II)]

नई दिल्ली, 16 अगस्त, 1989

का. आ. 2074.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार व मैसर्स ईस्टर्न कोलफील्ड्स लि. की धन्दादीह ओसीपी के प्रबन्धतंत्र से संबद्ध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-89 को प्राप्त हुआ था।

New Delhi, the 16th August, 1989

S.O. 2074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dhandadih OCP of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 8-8-1989.

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, ASANSOL

In the matter of a reference under section 10(1)(d) (2A) of the Industrial Disputes Act, 1947.

Reference No. 26 of 1988

#### PARTIES :

Employers in relation to the management of Dhandadih OCP of M/s. E.C. Ltd., P. O. Kajoragram, Dist. Burdwan.

AND

Their Workmen

#### PRESENT :

Shri S. K. Mitra,

Presiding Officer.

#### APPEARANCES :

For the Employers.—None.

For the Workmen.—Shri Sanjiv Banerjee, Organising Secretary, Koyla Mazdoor Congress.

STATE : West Bengal.

INDUSTRY : Coal.

Dated, the 26th July, 1989

#### AWARD

The present reference arises out of Order No. L-24012 (181)/87-D.IV(B), dated, 16-2-88 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the action of the Management of Dhandadih OCP of M/s. F.C. Ltd., P. O. Kajoragram, Distt. Burdwan (WB) in ignoring the promotion of Sri Kehar Singh, Fitter is justified? If not, to what relief is the workman concerned entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

**BEFORE THE HON'BLE PRESIDING OFFICER  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL  
CALCUTTA/ASANSOL**

In the matter of reference No. 26/88.

**PARTIES :**

Employers in relation to the management of Dhandadih OCP of M/s Eastern Coalfields Ltd.,

**AND**

Their workman

Joint petition of Compromise

The humble petition of both the parties herein concerned most respectfully sheweth :—

1. That the above matter is pending for adjudication before the Hon'ble Tribunal.
2. That, in the meantime, both the parties mutually discussed the instant matter and have come to an amicable settlement on the following terms :—

**Terms of settlement :**

- (i) The workman Shri Kehar Singh, Fitter Gr. I in Excv. Gr. 'B' of Dhandadih OCP shall be promoted as Sr. Mechanic in Excv. Gr. 'A' with notional seniority and fixation from 30-11-81.
- (ii) He will not be entitled to any payment whatsoever for the period from 30-11-81 unto the date of his promotion as Sr. Mechanic in Excv. Gr. 'A'.
- (iii) He will not raise any dispute before any forum claiming his wages for the period mentioned above, but he will be given annual increment and fixation of his present pay shall be arrived at accordingly.
- (iv) The terms of settlement will be given effect to from the date of signing the compromise petition.

Both the parties pray that the above terms of settlement may be accepted by the Hon'ble Tribunal as fair and proper and that the Hon'ble Tribunal may be pleased to pass an award in terms of this settlement.

Secretary of the union for and  
on behalf of the workman.

Dated the 2-6-1989.

**Agent**

For the on behalf of the employer.

S. K. MITRA, Presiding Officer

[No. L-24012(181)/87-D.IV B/IR(C-II)]

R. K. GUPTA, Desk Officer

नई दिल्ली, 14 अगस्त, 1989

का.शा. 2075.—औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार  
केन्द्र का केन्द्रशासक के संघ के न्यायाधीश और उनके कर्मचारियों के

बी.व. अनुसूचा में निश्चित औद्योगिक विवाद में औद्योगिक अधिनियम  
अनुसूचा के धारा 17 के अनुसरण में, केन्द्रीय सरकार  
को प्राप्त हुआ था।

New Delhi, the 14th August, 1989

S.O. 2075.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Ahmedabad as shown in the Annexure in the industrial dispute between the employers in relation to the Canara Bank and their workmen, which was received by the Central Government.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL, AHMEDABAD**

Reference (I.T.C.) No. 39/87

Canara Bank, Ahmedabad

..1st Applicant

**AND**

Its workmen

..2nd Applicant

Whether the termination of service on 8-4-86 of Shri Sureshchander Balajibhai Patel by the Bank is justified or not etc., regarding of them.

On behalf of the 1st applicant—Advocate Shri Girish Bhatt and Shri R. N. Shah.

On behalf of the 2nd applicant—Advocate Shri R. V. Gajjar, But there often the worker himself.

**AWARD**

1. As per, the present reference industrial dispute Sub-Rule 1947 and here after it will be referred as Rule 10(1)(d) the Government of India, Ministry of Labour vide Order No. L-12012/438/86-D.II (A), dated 7-7-87 had sent this reference to the Industrial Tribunal appointed by the Government of Gujarat at Ahmedabad for adjudication, the said reference had been referred to me for adjudication.

2. The industrial dispute between, the applicant it as under, which is to be adjudication the 1st applicant the Bank, service of the employee Shri Sureshchander Laljibhai Patel, w.e.f. 8-4-86 is this step justified or not? If not justified, what relief the said employee will be entitled to?

3. Shri Sureshchander Laljibhai Patel here after called the concerned employee, was appointed by the Bank as peon w.e.f. 6-12-80 and on completion of his probation period, he was confirmed in service. The concerned employee was employed in the Bhuora Branch, situated in Ahmedabad City. During this time the Bank had given him the amount to dispatch Telegram between the period from February 1983 to April 1983 but the concerned employee did not use to dispatch the Telegrams and had misappropriated the amount by producing to the Bank false receipts of having dispatched and because of this the allegations, the departmental enquiry had been conducted instruct against him. As a result of the said departmental enquiry, he was proved guilty and he was terminated from service w.e.f. 8-4-86. Aggrieved raised the industrial dispute as stated above. The Government of India, Ministry of Labour made a reference of this dispute for adjudication.

4. As per serial No. 6 Shri Sureshchander submitted a request for demand stating that during the said period, he was serving as a peon in the Bhadra Branch. He had not done any misappropriation even then he was falsely suspended from service and a departmental enquiry was started against him and in this regard a Charge-Sheet was given to him and in that Charge-Sheet that the allegations were false and fabricated because it was not his duty to dispatch telegrams and he had not gone to dispatch the telegrams and had been implicated falsely. But to avoid unnecessary harassment he made good the financial loss incurred by him in spite of this, a departmental enquiry has been stated against him with a mala fide intention he was not given full opportunity to defend himself, such this action of departmental enquiry amount to be illegal. His main representation is like this, that, on the basis of the said illegal departmental enquiry he was terminated from service is totally illegal as such he should be reinstated in service with full pay.

5. As per serial No. 13, the bank has given the written reply and stated that the concerned employee was working as a peon in the account section the Bhadra Branch and one of his duties was to go to post office to dispatch telegrams accordingly from 1-2-83 to 5-4-83 from time to time, many times, Suresh Chander was given money to dispatch telegram on behalf of the Bank, but the concerned employee without dispatching the telegrams, he has swallowed the money given to him from time to time to dispatch the telegrams and he produced false receipts just to show that he has dispatched the telegram. It was disclosed later on, that the concerned employee had not carried out the duties of dispatching telegrams that is why his explanation was called for in which he accepted that he had committed the crime and the amount involved as of Rs. 1092.95 for 259 telegrams, which he paid back to the Bank through a cheque and he requested that this may be viewed mercifully and he ought to be given an opportunity to improve upon himself. The main representation on behalf of the 1st applicant is that, in this way Suresh Chander had done misappropriation and that is why he had been given Charge Sheet on 27-5-83 and was suspended and the work of departmental enquiry against him was instructed to Shri Amritraj, personal officer of administration section of circle office Bombay and he gave full opportunity to the concerned employee to defend himself and Shri Amritraj handed over the report to the Bank finding the concerned employee guilty. The copy of the said report was served to the concerned employee and he was informed on 14-10-83 to explain as to why his services should not be terminated and he had replied in response to the said information and taking this into account, Suresh Chander was terminated from service, as the nature of the guilt was grave. The main information given by the Bank regarding the said order is that, Suresh Chander had submitted his plea before the competent authority and his plea was also rejected under the circumstances "the petition of Suresh Chander to, reinstate him in service, was not justified".

6. In this reference, the representation of Suresh Chander is that "The departmental enquiry conducted against Suresh Chander is legal or not? And in this regard he had produced the evidences which were taken into account, under the Part-23 of orders, we came to the conclusion that Suresh Chander was given full opportunity to define himself. After the said order Suresh Chander had not produced any useful evidences. Now the question which is required to be decided is, that the evidences which were produced before the Officer who conducted the Departmental enquiry relying on these evidence, which proved Suresh Chander guilty, whether the decision given is baseless, and unjustified or not? Whether the decision is with proofs or not? Taking into account the papers of the Departmental enquiry we have come to the conclusion that the report declaring Suresh Chander guilty given by the Officer conducting the Departmental enquiry in the report, it cannot be called as baseless. Similarly it is not without proofs. In this regards the reasons are as following (Below) :

7. Before the officer conducting the Departmental enquiry Shri Buch the manager of Bhadra Branch was examined, over and above Shri Nahar was also examined. Both these witnesses were also cross-examined by Suresh Chander both these witnesses had stated that the money to dispatch telegram was handed over to Shri Suresh Chander. Suresh Chander represented before the tribunal that he was not entrusted with the job of dispatching any telegram as such the question does not arise of misappropriation of any money. As stated earlier, both the witnesses had stated that Suresh Chander was entrusted with the job of dispatching telegram during the period involved. Here it is necessary to note that as soon as the Bhadra Branch Manager came to know of the non-dispatch of telegrams, he enquired from the post-office by writing letter and then only it was revealed that the receipt which were submitted by him, were not the receipts issued by the post-office, as such a written explanation of Suresh Chander was asked regarding the same. Suresh Chander clearly admitted vide his letter dated 12-4-1983, that he use to go to dispatch telegrams and did not dispatch telegrams and the money which Bank had given for the telegrams, is kept with him, which he will return to the Bank by a cheque from his account, thereby he may be forgiven for the mistake which he committed. Suresh Chander has admitted that he had

written a letter of this sort, but he represents that the manager got this type of letter written from me by force. He did not state so anywhere in his departmental enquiry that the manager had used this type of force. But it is necessary to note here, that Suresh Chander has first submitted the plea in which he had clearly stated that he did not dispatch telegrams and it is his mistake, as such by keeping a merciful view on him, the order terminating his service, ought to be changed under those circumstances, the plea of Suresh Chander that he was not entrusted with the job of telegram and that he did not misappropriate such money, this cooked and self made plea was made for his self defence. There is no reason to show that the bank manager Shri Buch and other employee Shri Nahar had wrongfully implicated him. Under these circumstances, there is no reason to disagree with them. As the result the departmental enquiry officer is not cunning, unjustified and without proofs, then the tribunal can not make any interference in it.

8. Now the question left is to decide that the allegations against Suresh Chander which have been proved, if these allegations are taken into account, then, whether punishment given to terminate his service is unjustified or not? Here it is necessary to note that, this is not the story of only one telegram dispatched and its given money misappropriated but from 1-2-1983 to 5-4-1983, time to time, Suresh Chander swallowed the given money to dispatch telegram and had produce the bogus receipts of having dispatched the telegrams and the said money amounted to Rs. 1092/-, definitely this money has been refunded, but it can not be make Suresh Chander to do this illegal act. Bank is required to send such telegrams to its customers and because of not dispatching such telegrams to its customers, the Bank is likely to under very heavy losses, and the illegal step taken by Suresh Chander was systematic type. And it was revealed during period on 9-4-1983 that the telegrams were not dispatched. Had it not been disclosed, this type of illegal activity would have been continues by Suresh Chander, thereafter also. It will not be justified to compel to continue in service such type of employee. Suresh Chander had found out a formula he had started cheating the Bank w.e.f. 1-2-1983 and continued this till 5-4-1983. There after could not continue to cheat the Bank, because his game was caught, after his game was caught he has defunded the money which he had misappropriated because of this the graveness of the crime does not became less, if this such type of employees are allowed to continue in service it is likely that the moral of others employees will be adversely effected. Suresh Chander has been declared guilty as per Indian Penal Code No. 408, because of this. He can be awarded the punishment of jail term or fine. It is not in the interest of the land to keep in service such employees committing this type of crime. The bank is likely to undergo heavy financial losses due to such employees any time. As a result, the punishment awarded to the concerned Bank employee in un-justified it cannot be said so. The humanitarian point of view, we do feel pity on the concerned employee. But looking into the working of the Bank, if such type of employee is continues in service this will demoralise the other employees of the Bank also and some times the Bank will be likely to under go heavy financial losses. As a result, as per the Act 1947, Rule 11(A) we do not feel necessary to make any changes to the punishment awarded to the concerned employee by the Bank. As a result the representation made by the concerned employee that he should give full pay for the previous period this had not been accepted and as such the under mentioned. Orders are issued with regards to this reference.

#### ORDER

9 Shri Suresh Chander Laljibhai Patel, the 1st applicant has been terminated from service by the Bank w.e.f. 8-4-1985 this action is unjustified cannot be said so, as a result Suresh Chander is not entitled to any compensation with regards to this reference. The expenditure is to be born by the applicant himself with regards to this reference.

Central Government Industrial Tribunal Ahmedabad

[No. L-12012/438/86-D. II(A)]

नई दिल्ली, 17 अगस्त, 1989

का.प्र. 2076—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसूचन में, केन्द्रीय सरकार सेन्दल बैंक आफ इंडिया के प्रबंधन के सख्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 बम्बई के पंचपट का प्रकाशित करता है, जो केन्द्रीय सरकार का 8-8-89 का प्राप्त हुआ था।

New Delhi, the 17th August, 1989

O.O. 2076.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government on the 8th August, 1989.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri P. D. Apshankar, Presiding Officer.

Reference No. CGIT—2/16 of 1987

PARTIES :

Employers in relation to the management of Central Bank of India,

AND

Their workmen.

APPEARANCES :

For the Employers—Shri S. P. Grover, Chief Manager.

For the workmen—Shri C. D. Nargolkar, Advocate.

INDUSTRY : Banking. STATE : Maharashtra.  
Bombay, dated the 17th July, 1989

AWARD

The Central Government by their Order No. L-12012/152/86-D. II(A) dated 9th March, 1987 have referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act :—

“Whether the action of the management of Central Bank of India, Bombay, in denying the opportunity to appear in interview and promotion to the post of clerk to Shri M. R. G. Ambavane is justified? If not, to what relief is the workman entitled?”

2. The case of the workman Shri Ramakant Gajanan Ambavane as put up by the statement of claim filed on his behalf by the Union (Ex. 2/W), in short, is thus :—

Shri Ambavane joined the service with the Central Bank of India in May, 1970 as a sub-staff member. The Bank had issued circular in 1977 regarding promotion for the post of clerk and in pursuance of that circular, the workman Shri Ambavane sent an application seeking permission to appear for the written test for promotion to the clerical cadre, to be held on 22nd January, 1978. In the application he had clearly stated that he had passed the 7th Standard Examination in 1968 and at that time English subject was not introduced for the 7th Standard, and as such, passed the 7th Standard examination without English. However, in that application he had stated that he had sufficient knowledge of English. The Branch Manager Bhvandi while forwarding the application, also mentioned therein that the said workman had working knowledge of English. Shri Ambavane appeared for the written test and was declared to have passed it. Thereafter, he was to attend to the interview to be held on 19th April, 1978. However, to his surprise he received a letter on the previous day i.e. 18th April, 1978 from the Bank that as he had not passed the 7th Standard Examination with English, he was not eligible for promotion for the post of clerk. The said workman accepted that letter as a challenge. Thereafter he

sent applications and representations to the Bank management that he may be considered for the promotion for the post of clerk. He also brought to the notice of the Bank management that one Shri Vishwambhar Sawant, a similar employee, was treated on different grounds by the Bank management, and as such, the Bank management had discriminated between the said two workmen. The workman Shri Ambavane continued his studies and then passed the S.S.C. examination with English as one of the subjects. Thereafter he again made representations to the Bank management that he be considered and be promoted to the post of clerk with retrospective effect. However, his request was not considered by the Bank management. The Union then raised an industrial dispute before the Assistant Labour Commissioner. The conciliation proceedings ended in failure. Hence, the Central Government made the reference as above. The Union therefore prayed that the workman be held entitled for promotion as a Clerk with retrospective effect from 1978 and that he be given all the consequential benefits including the seniority.

3. The Chief Manager of the said Bank by his written statement Ex. 3/M opposed the said claim of the Union, and in substance contended thus :—

The case of the above said Vishwambhar Sawant is quite different from the case of the workman Shri Ambavane. The other workman Shri Sawant had passed the 7th Standard examination with English, but had not produced the necessary certificate. The Bank is governed by the Promotion Policy Agreement dated 20th December, 1978 entered into by the Bank management and the Union of employees. As per clause 9.6 of the above agreement, “a member of the subordinate staff who has passed the 7th Standard and who has produced the necessary school certificate in support thereof, to the satisfaction of the Management, and also passed in English and Arithmetic in the 7th Standard, will be eligible to appear in the Written Test, provided he has put in minimum seven years’ continuous service in the Bank reckoned from the date of probation”. In the present case, the workman Shri Ambavane had not passed the 7th Standard examination with English as one of its subject. Even though he had not passed the 7th Standard Examination, he was erroneously allowed to appear for the written test. However, as he had not passed the 7th Standard Examination with English as one of the subjects, he was not thereafter allowed to appear for the oral interview. The said workman is not entitled to promotion, much less with retrospective effect. The Chief Manager, therefore, prayed for the rejection of the said claim of the Union and prayed that the action of the Bank management be held as just and proper.

4. On these pleadings, the necessary Issues were framed at Ex. 4.

5. Shri S. P. Grover, Chief Manager of the Bank filed affidavit in support of the case of the Bank. He was cross-examined on behalf of the Union.

6. Thereafter both the parties submitted their arguments in writing. Thereafter while the case was at the stage of oral arguments, both the parties arrived at an amicable settlement and filed the terms of settlement (Ex. 7) which are thus :—

“The Management of Central Bank of India (Employer) hereby agrees to promote Mr. R. G. Ambavane (workman) to the post of clerk notionally with effect from 15th May, 1980 i.e. the date when Shri Vishwambhar Sawant was promoted to the clerical cadre. The Management further agrees to give Shri R. G. Ambavane 50 per cent of the monetary benefits (emoluments) attached to post of Clerk with effect from the date the member passed his SSC examination i.e. 14th June, 1983 to the date of

signing of this settlement. The Union on behalf of Shri R. G. Ambwane hereby agrees to accept the promotion/monetary benefits hereinabove mentioned as full and final settlement of their claim and undertake not to claim any other benefit monetary or otherwise in respect of the above period Shri Ambwane has been promoted notionally to the post of Clerk. Shri R. G. Ambwane will draw emoluments attracted to the post of Clerk w.e.f. the date of signing of this settlement and his Basic salary shall be fixed by taking into account the increment/s he would have otherwise received had he been promoted to the post of Clerk w.e.f. 15th May, 1980. Suit to be withdrawn on signing of this settlement."

7. I find that the said settlement is quite in the interests of both the parties. As such, I accept it. In the result, the Award must be, and is drawn in terms of the said settlement.

The parties to bear their own costs of this reference.

P. D. APSHANKAR, Presiding Officer

[No. L-12012/152/86-D. II(A)]  
N. K. VERMA, Desk Officer

नई दिल्ली, 17 अगस्त, 1989

का.ग्रा. 2077—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू. डी., नई दिल्ली, के प्रबंधन से सम्बद्ध निोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली, के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-7-89 प्राप्त हुआ था।

New Delhi, the 17th August, 1989

S.O. 2077.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of C.P.W.D. New Delhi and their workmen which was received by the Central Government on the 24th July, 1989.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
NEW DELHI

I.D. No. 58/87

In the matter of dispute between:

Shri Dahore Paswan,  
C/o Secretary, CPWD Mazdoor Union,  
F-26, Raja Bazar, DIZ Area,  
Baba Khark Singh Marg, New Delhi.

Versus

Executive Engineer,  
Dr. Ram Manohar Lohia Hospital Divn.,  
CPWD, New Delhi

APPEARANCES:

Shri H. S. Vats—for the workman.

Shri Narinder Chaudhary—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/70/86-D. II(B) dated 25th June, 1987 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of Executive Engineer, Dr. Ram Manohar Lohia Hospital Division, CPWD, New Delhi in not paying subsistence allowance or not reinstating Shri Dahore Paswan, muster roll, beldar is justified? If not, to what relief the workman entitles to?"

2. The facts of this case fall into a narrow compass. The workman was in the employment of the Management and had completed 240 days of service prior to 21st November,

1984. The workman was arrested by the police on allegations of involvement in the riots in Delhi which followed the assassination of late Smt. Indira Gandhi and he remained in judicial custody from 1st November, 1984 to 18th November, 1984 and was released on bail on 19th November, 1984. After his release on bail he reported for duty but was not taken on duty on the ground that he was facing criminal trial under sections 147, 148, 149, 427, 186, 323, 435 and 436 IPC. The case of the workman is that since he had completed 240 days of service before his release on bail, he should have been taken back in service. The Management had not paid any retrenchment compensation and, therefore, there was violation of the provisions of section 25-F of the I.D. Act. It was further contended that the rule of suspension after 48 hours of judicial custody is applicable to regular employees to whom CCA and CCS rules are applicable and even if these rules are acted upon the workman is entitled to subsistence allowance for the period of suspension.

3. The case of the Management is that since the workman was facing criminal trial he could not be taken back into service. As he was only a daily rated worker the provisions relating to suspension and payment of subsistence allowance are not applicable to him and he is, therefore, not entitled to any subsistence allowance.

4. The case of the workman has got no merit at all. The workman has admitted that he is being prosecuted in a criminal court relating to the riots of 1984 and the case is at the stage of evidence. In the circumstances, there is no scope for his reinstatement and to this extent the claim of the workman is premature. It cannot also be treated as a case of retrenchment as his termination is a consequence of his involvement in criminal case, and in that event the benefit of the provisions of section 25-F, G and H is not available to him. I have also been shown the provisions regarding suspension and payment of subsistence allowance but those provisions are applicable to only work charged establishment. However, the workman is only a daily rated muster roll employee and cannot be said to be a member of the work charged establishment. Hence the provisions of payment of subsistence allowance are not applicable to him and the Management cannot be faulted for not paying him any subsistence allowance.

5. In view of the discussion made above, this reference is answered against the workman and is disposed of accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

[No. L-42012/70/86-D. II(B)]  
G. S. KALRA, Presiding Officer

13th July, 1989.

का.ग्रा. 2078—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलीफोन के प्रबंधन से सम्बद्ध निोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-7-89 प्राप्त हुआ था।

S.O. 2078.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Calcutta Telephones and their workmen, which was received by the Central Government on the 21-7-89.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA

Reference No. 10 of 1985

PARTIES:

Employers in relation to the management of Calcutta  
Telephones

AND  
 Their workmen.  
**PRESENT :**  
 Mr. Justice Sukumar Chakravarty, Presiding Officer.  
**APPEARANCES :**  
 On behalf of employer—Mr. K. S. Goswami, Advocate.  
 On behalf of workmen—Mr. J. C. Consul, Advocate.

**STATE :** West Bengal. **INDUSTRY :** Telephones.

#### AWARD

By Order No. L-40012(23)/84-D.II(B) dated 12th February, 1985, the Government of India, Ministry of Labour referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Calcutta Telephones, 8 Bentinck St., Calcutta in terminating the services of workmen as per the list enclosed is justified? If not, to what relief are the workmen entitled?"

**Sl. No. Name of the workmen**

1. Shri Dipankar Das
2. Shri Harugar Thakur
3. Shri Ram Bilas Rai
4. Shri Rajendra Thakur
5. Shri Ashok Kumar Majhi
6. Sari Kanai Ch. Naskar
7. Shri Panna Lal Sardar
8. Shri Prabhu Kumar Chatterjee
9. Shri Bidyut Kumar Dutta
10. Shri Shyamapada Ghosh
11. Shri Malini Choudhury
12. Shri Shyamapada Paroi
13. Shri Binode Mahato
14. Shri Niranjan Dalui
15. Shri Ram Niranjan Das
16. Shri Rabindra Nath Naskar
17. Shri Bipradas Khoso

2. The case of the concerned 17 workmen as made out in the written statement is briefly as follows: 17 workmen as named in the schedule to the reference were engaged in external work of Calcutta Telephones in underground cable department after their appointment as Daily Rated Mazdoors on different dates during 1976-1977. All of them excepting Bipradas Khoso joined in Exchange No. 46 and Bipradas Khoso joined in Exchange No. 45. All the concerned workman worked continuously for more than a year and used to be paid their wages monthly. In early part of 1977 Exchange No. 72 was opened when 15 workmen out of the 17 workmen were transferred from Exchange No. 46 to Exchange No. 72. But the concerned workman Binode Mahato remained in Exchange No. 46 and another concerned workman Bipradas Khoso was transferred to Exchange No. 77. Suddenly all the concerned workmen were not allowed to work and they were thus retrenched from their employment without assigning any reason and without the payment of any statutory compensation. The particulars about the date of joining and the date of retrenchment of the concerned workman are given below :

Sl. No.	Name of the workmen	Date of Joining	Duty performed upto	Date of retrenchment
1	2	3	4	5
1.	Dipankar Das	1-12-1976	31-1-1976	1-2-1978
2.	Harugar Thakur	-do-	30-12-1977	31-12-1977
3.	Ram Bilas Rai	-do-	31-12-1977	1-1-1978
4.	Rajendra Thakur	-do-	-do-	-do-
5.	Ashok Kumar Majhi	-do-	31-1-1978	1-2-1978

1	2	3	4	5
6.	Kanai Chand Naskar	1-12-1976	31-1-1978	1-2-1978
7.	Panna Lal Sardar	-do-	-do-	-do-
8.	Prabir Kumar Chatterjee	-do-	-do-	-do-
9.	Bidyut Kumar Dutta	-do-	28-2-1978	1-3-1978
10.	Shyamapada Ghosh	-do-	-do-	-do-
11.	Malini Choudhury	10-1-1977	31-1-1978	1-2-1978
12.	Shyamapada Paroi	1-12-1976	31-12-1977	1-1-1978
13.	Binode Mahato	1-3-1976	9-9-1979	3-9-1978
14.	Niranjan Dalui	1-12-1976	31-12-1977	1-1-1978
15.	Ram Niranjan Das	1-2-1977	31-1-1978	1-2-1978
16.	Rabindra Nath Naskar	2-12-1976	28-2-1978	1-3-1978
17.	Bipradas Khoso	14-1-1977	8-1-1978	9-1-1978

3. The concerned workman approached the Divisional Engineer and other concerned officers from time to time for allowing them to resume duties but their request was postponed on different pleas. After February 1979, the Divisional Engineer concerned told the concerned workmen that the permission of the higher authority had been sought for in the matter. The concerned workmen waited for further time and subsequently approached the General Manager, who told them that another group of workmen of Exchange No. 77 whose services were also terminated on the similar cause had already obtained a reference for adjudication and that the decision in the said reference would also be made applicable in their cases and that the present concerned workmen need not approach for any other reference. The Reference No. 14 of 1981 in respect of the other group of workmen ended in the award in favour of the said group of workmen in January 1983 and as per the award in the said Reference No. 14 of 1981, the said group of workmen were reinstated with back wages. In spite of the assurance given by the employer that the same treatment would be metted out to the present concerned workmen on the lines of the award in Reference No. 14 of 1981, the workmen concerned were not reinstated. The workmen concerned then took-up the matter with the Conciliation Officer and his failure report resulted in the present reference.

4. The case as made out by the management of Calcutta Telephones in the written statement is briefly as follows : The present reference is not maintainable as it relates to the stale claim of the concerned workmen. The management has denied all other allegations of the concerned workmen. It has however been contended that the concerned workmen were locally recruited for some specified jobs as Casual and Daily Rated Mazdoors on "no-work-no-pay" basis. Although they could have been paid daily on day to day basis but for convenience they were paid on monthly basis under the muster rolls. After the completion of the specified jobs, the work of the concerned workmen was no more required. The alleged workmen concerned did not acquire any statutory protection for their such employment and they were not entitled to any compensation when they were not given any further work after the last date of their work. It has been denied that the management gave them any assurance to give similar treatment as would be awarded to the group of workmen involved in the Reference No. 14 of 1981. The other allegations of the concerned workmen have also been denied. According to the management the concerned workmen are not entitled to any relief.

5. Both sides have adduced evidence oral and documentary. It is an undisputed fact as evident from the written statement filed by the management of Calcutta Telephones



that all the concerned workmen were engaged by the management as Casual Daily Rated Mazdoors. The management has tried to take up the stand at the time of the hearing of the reference that the concerned workmen were not appointed by the management even as casual workers and to that effect the management has produced the attendance register of the Daily Rated Mazdoors Ext. M-2 and M-2/a and also the record of casual labour Ext. M-2/b, which of course do not contain the names of the concerned workmen either as Casual Labour or as Daily Rated Mazdoor. It could not be however established by the management that besides the aforesaid three registers there was no other registers. Be that as it may, the specific admission in the written statement of the management establishes without any iota of doubt that the concerned workmen were employed by them as Daily Rated Mazdoors or Casual Workers.

6. The evidence both oral and documentary as adduced by the workmen concerned establishes also that the concerned workmen were appointed as Daily Rated Mazdoors and they were allowed to continuously serve for more than 240 days in a year. WW-1 Dipankar Das who is one of the concerned workmen and who has deposed on behalf of other workmen and the evidence of WW-2 Bidyut Dutta, who is another concerned workmen, have proved the appointment of all the concerned workmen as Daily Rated Mazdoors from the respective dates as mentioned in the written statement and as given in evidence. Their evidence further proves their continuous service without any break for more than 240 days in a year during their employment. It further transpires from the evidence on the side of the workmen that the concerned workmen used to get their wages monthly and not on the day-to-day basis. This fact has also been admitted by the management to the written statement. It has been admitted in the written statement of the management that the concerned workmen used to be paid their wages monthly on the basis of the muster rolls. The management has not produced the muster rolls in relation to the concerned workmen. MW-1 Mrinal Kanti Das who is the Divisional Engineer in Exchange No. 72 has stated in his evidence that the muster rolls are liable to be destroyed after 5 years according to rules. MW-1 however is not definite in his evidence to say that the concerned muster rolls have been destroyed. The evidence on the side of the concerned workmen as to their continuous work for 240 days in a year could not be successfully challenged by the management. On the other hand the personal records of all the concerned workmen Ext. W-2 series issued under the signature of S.D.O. Phones of the concerned Telephone Exchange show the period of work done by each and everyone of the concerned workmen. It appears from the personal records Ext. W-2 series that each and everyone of the concerned workmen worked for more than 240 days in a year.

7. The management has tried to make out a case at the time of hearing of the reference that the personal records Ext. W-2 series were not genuine. But no reliable evidence could be given by the management to establish the said contention. MW-1 Mr. Mrinal Kanti Das on the other hand has admitted in his evidence that at one time such personal records were maintained and issued to the workmen of the management. Further the respective officers of the Telephones who signed the aforesaid personal records have not been brought to deny that the said personal records were issued under their signatures. Besides the aforesaid documentary evidence, the workmen have produced also a copy of the letter dated 28-4-1978 alongwith its annexures Ext. W-1 addressed to the Employment Officer of the Employment Exchange under the signature of the Area Manager, South Calcutta Telephones. The said letter shows that the concerned workmen were employed as casual labourers during the period as mentioned in the annexures on an emergency basis and that the Telephones Authority requested the Employment Exchange Officer to send their names for their regular absorption in future. The management through the evidence of MW-1 has not disputed the authenticity of the said letter but has tried to show that the concerned workmen have procured the said letter through some underhand means. WW-1 Dipankar Das has

stated in his evidence that the letter with its annexures Ext. W-1 was obtained from another worker Shyam Sunder Das to whom the said letter was said to have given. It is true that it has not been properly explained why the said letter Ext. W-1 was given to Shyam Sunder Das. So that as it may, the said letter whose authenticity has not been challenged supports the case of the concerned workmen.

8. The oral evidence of WW-1 and WW-2 and the documentary evidence Ext. W-1 and W-2 series together with the admission of the management in the written statement about the employment of the concerned workmen as Daily Rated Mazdoors have proved beyond any doubt that the concerned workmen were appointed as Daily Rated Mazdoors and were allowed to join in the concerned Telephone Exchange and were allowed to continue their work without any break for more than 240 days in a calendar year.

9. It is an undisputed fact that the concerned workmen were not being given any further employment after their last day of work as mentioned in the written statement and also in their evidence through WW-1 and WW-2. This fact means that they were retrenched from their employment. It is also an undisputed fact that the concerned workmen for their such retrenchment were not given due notice and were not paid compensation in terms of section 25F of the Industrial Disputes Act, 1947. So their retrenchment or termination of the service has been illegal and they are entitled to be reinstated.

10. The management has challenged the maintainability of the reference on the ground of its being stale. It is true that the concerned workmen were retrenched in 1978 and the reference was made in 1985 for adjudication. The workmen in written statement and in their evidence through WW-1 have assigned the reasons for such delay. It appears therefrom that on their repeated approach to the management, they were given assurance that their case would be considered and that the decision in another Reference No. 14 of 1981 pending adjudication at the instance of some other group of workmen on the similar cause and facts would determine their case also. The copy of the award in Reference No. 14 of 1981 of this Tribunal is Ext. W-3. It appears therefrom that the other group of workmen on similar facts and cause got the award in their favour and got reinstatement with back wages. It is true that the concerned workmen of the instant reference have not produced any written document to show that they approached the management but the oral evidence on the side of the workmen has proved so and I believe it. So the challenge on the stale claim of the concerned workmen does not stand to any reason.

11. Mr. Goswami, the learned Advocate for the management at the time of his argument has however submitted that in case the Tribunal makes the award for reinstatement of the concerned workmen then the concerned workmen should get the back wages from the date of the reference and not from the date succeeding the last day of their work under the management. Mr. Consul, the learned Advocate for the concerned workman has however submitted that in the facts and circumstances of the present case, the concerned workmen may be given back wages from the date of their raising the dispute before the Conciliation Officer if not from the date of succeeding the last day of their work under the management. The concerned workmen have not produced any paper to show on which date the concerned workmen raised the dispute before the Conciliation Officer. I however find another noticeable fact in this case which according to me will justifiably determine the date from which the concerned workmen should get the back wages in the facts and circumstances of the present case. It has already been shown that the management gave assurance to the concerned workmen that their case would be considered in the light of the decision in the Reference No. 14 of 1981 involving another group of workmen. The award in Reference No. 14 of 1981 was made in January, 1983 and as per the said award Ext. W-3 the group of workmen involved in the said reference was reinstated with back wages. In spite of such assurance given by the management, the case of the concerned workmen was not favourably considered by the management in the light of the



award in Reference No. 14 of 1981. So in all fairness I hold that the concerned workmen on their reinstatement should get the back wages with effect from 1st January, 1983. I am conscious that in a case of this nature the reinstated workmen normally gets the back wages from the date succeeding the date of their retrenchment but in the instant case it has been found that the concerned workmen willingly agreed to get the treatment from the management in the light of the award in Reference No. 14 of 1981 and allowed the time to expire without taking any action according to law. Be that as it may, the facts and circumstances of the present case and the submission as made by the learned Advocates on both sides at the time of their argument have convinced me that the full back wages with consequential relief to the concerned workmen from 1st January, 1983 would meet the ends of justice.

12. In the result the action of the management in terminating the services of the concerned workmen is found to be unjustified. All the concerned workmen be reinstated to their service immediately and they be given full back wages with all other consequential relief from 1st January, 1983 by the management.

This is my Award.

Dated, Calcutta,

The 5th July, 1989.

Sd/-

SUKUMAR CHAKRAVARTY Presiding Officer  
[No. L-40012/23/84-D.II(B)]  
HARI SINGH, Desk Officer.